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Circular Orders Passed by the Sudder Dewanny Adawlut and Communicated to the Zillah and City Judges. By the Registers of the Court.

1833 - 1842

Vol. III

Sub Law and legislation/ Law Courts/ Sudder Dewanny and Nizamat Adawlut/ Circular and Orders.

WEST BENGAL SECRETARIAT

XIV—823
1553

CIRCULAR ORDERS,

PASSED BY

THE SUDDER DEWANNY ADAWLUT,

AND COMMUNICATED TO THE

Zillah and City Judges,

BY THE

REGISTER OF THAT COURT.

TO THE SEVERAL ZILLAH AND CITY JUDGES.*

Western Provinces, 14*th October*, 1837.

No. 1.

Directing the adoption of a form of statement, showing the quantity of business disposed of daily by the several moonsiffs.

IT having been brought to the notice of the Court that the attendance of some of the moonsiffs at their offices is far from regular, and that in some instances it has been found that no cases have been decided by those officers for several days consecutively without any satisfactory explanation being furnished of the cause, I am desired, therefore, to request your particular attention to the subject, and to acquaint you that with a view to put a stop to so objectionable a practice the Court are pleased to direct the adoption, in every district under their control, of the accompanying form of statement showing the daily quantity of work disposed of by each of the officers in question, which will, in future, accompany their monthly returns to your office.

This and the following circular were omitted in their proper places.

2. On the breaking up of their courts the moonsiffs will cause the number of cases, regular as well as miscellaneous, brought before, or decided by them during the day, to be entered in the prescribed statement under the proper headings, to which they will immediately affix their signature; and on the receipt of the statement in your office the Court request that you will carefully revise it, and, should the absence of any moonsiff from his cutcherry on any particular day not be satisfactorily accounted for, or the quantity of work disposed of appear unusually small, that you will call for explanation and pass such orders in the matter as may seem to you proper, furnishing an abstract of the same in your monthly civil reports in the column of remarks.

Daily Statement of Work disposed of by Mouluvee Hidayut Hossein, Moonsiff of Jehanabad, Zillah Agra, during the month of April, 1837.

Dates.	Regular Suits decided on Trial.	Adjusted or withdrawn.	Dismissed on Default.	Number of Witnesses examined.	Number of Regular Suits postponed after Proceedings being held.	Number of Cases of execution of Decrees in which Proceedings were held but which were not disposed of.	Number of other Miscellaneous Cases in which orders were passed.	Number of Cases of execution of Decrees decided.	Remarks
1	Sunday.								
2	1	0	2	7	3	0	4	1	
3	Hindoo Holiday, Baroonee Ashnan.								
4	2	1	0	3	2	1	1	0	
5	0	0	0	6	3	4	2	1	
6	3	0	0	4	6	2	2	0	
7	Prevented attending Cutcherry by illness.								
8	Sunday.								
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									
26									
27									
28									
29									
30									
Total...									

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STATEMENT of Appeals from the Decisions of the Principal Sudder Ameens, Sudder Ameens, and Moonsiffs of Zillah Mirzapore, for the year 183—, *showing the number confirmed, reversed, dismissed, adjusted, and still pending.*

	1. Appeals from the Decisions of	2. Pending at the end of 183—	3. Admitted during the year 183—	4. Total.	Disposed of by the Judge. 5. Confirmed.	6. Reversed or Modified.	7. Dismissed on Default.	8. Adjusted or Withdrawn.	Disposed of by the Additional Judge. 9. Confirmed.	10. Reversed or Modified.	11. Dismissed on Default.	12. Adjusted or Withdrawn.	Disposed of by the Principal Sudder Ameen. 13. Confirmed.	14. Reversed or Modified.	15. Dismissed on Default.	16. Adjusted or Withdrawn.	17. Total Confirmed.	18. Total Reversed or Modified.	19. Total Dismissed on Default.	20. Total Adjusted or Withdrawn.	21. Total Disposed of in the Year.	22. Total Pending at the end of 183—.	23.
Principal Sudder Ameens.	Golam Ali Akbar.																						
	Regular,	44	50	94	20	14	0	0	0	0	0	0	0	0	0	0	20	14	0	0	34	60	
	Special, *Sudder Ameens*,	10	20	30	7	2	0	0	0	0	0	0	0	0	0	0	7	2	0	0	9	21	
	Moonsiffs.																						
	1 Mr. J. Macgowan, Mirzapoor,	A 15	27	42	8	2	0	0	0	0	0	0	0	0	0	0	8	2	0	0	10	32	
	2 Yar Ali Khan, Ahrorah,	A 8	29	37	8	3	0	0	0	0	0	0	0	0	0	0	8	3	0	0	11	26	
	3 Mahmud Misser, Cutchwa,	A 7	33	40	7	2	0	0	0	0	0	0	0	0	0	0	7	2	0	0	9	31	
	(A) These cases, which are original decisions of the Moonsiffs opposite whose names they are placed, are pending in special appeal before the Judge from the decision of the Principal Sudder Ameen.																						
	Total of Appeals from Golam Ali Akbar,	84	159	243	50	23	0	0	0	0	0	0	0	0	0	0	50	23	0	0	73	170	
	Pundit Pertabnaryne (Officiating Additional.)																						
	Regular,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Special, *Sudder Ameens*,	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
	Moonsiffs.																						
	1 Mr. J. Macgowan, Mirzapore,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	2 Yar Ali Khan, Ahrorah,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	3 Mahmud Misser, Cutchwa,	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
	Total of Appeals from Pundit Pertabnaryne,	0	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Sudder Ameens.	Golam Ali Akbar,	3	3	6	3	2	0	0	0	0	0	0	0	0	0	0	3	2	0	0	5	1	
	Pundit Pertabnaryne,	11	10	21	0	0	0	0	0	0	0	0	8	7	0	0	8	7	0	0	15	6	
	Total of Appeals from Sudder Ameens,	14	13	27	3	2	0	0	0	0	0	0	8	7	0	0	11	9	0	0	20	7	
Moonsiffs.	1 Mr. J. Macgowan, Mirzapore,	B 22	195	217	32	29	0	0	0	0	0	0	78	19	0	0	110	48	0	0	158	59	
	2 Yar Ali Khan, Ahrorah,	B 15	83	98	6	2	0	0	0	0	0	0	45	32	0	0	51	34	0	0	85	13	
	3 Mahmud Misser, Cutchwa,	B 19	104	123	10	8	0	0	0	0	0	0	26	25	0	0	36	33	0	0	69	54	
	(B) The total number of appeals pending from the Moonsiffs before the Judge and Principal Sudder Ameens.																						
	Total of Appeals from Moonsiffs,	56	382	438	49	39	0	0	0	0	0	0	149	76	0	0	197	115	0	0	312	126	
	Grand Total of Appeals from Subordinate Courts,	154	556	710	101	64	0	0	0	0	0	0	157	98	0	0	258	147	0	0	405	305	

TO THE SEVERAL ZILLAH AND CITY JUDGES.*

Western Provinces, 8th December, 1837.

No. 2.

Prescribing a new form of statement of appeals to be substituted for that prescribed by the circular orders of the 27th April 1832, No. 45.

I AM directed by the Court to forward to you the accompanying form of statement† of appeals from the decisions of the principal sudder ameens, sudder ameens. and moonsiffs, which you are requested to substitute in your annual civil report for the current year for the form prescribed by the Circular Orders of the 27th April 1832, No. 45.

2. The Court further direct the insertion of a note in the column of remarks in the statement in question, shewing in detail, as regards the special appeals disposed of during the year from the decisions of each of the sudder ameens and moonsiffs, the number in which you concurred with the principal sudder ameen in confirming, or modifying the original decree, and the number in which, differing in opinion with that officer, you reversed his decision and upheld or modified that of the lower court. With this information before you, the Court observe, you will be able to judge of the comparative merits and qualifications of the several subordinate judicial functionaries of your district, so far as an opinion on the subject can be formed from the result of the appeals, whether regular or special, from their decisions.

3. I am directed to take this opportunity of acquainting you that as the whole of the information which the annual civil statement No. 4, was intended to convey, is now given in column 14 of statement No. 1, the Court are pleased to dispense with the submission of the former statement.

TO THE MAGISTRATES, CIVIL AND SESSION JUDGES, AND CERTAIN COMMISSIONERS.

Lower Provinces, 9th February, 1838.

No. 3.

Transmitting copy of a resolution of government, and requesting that measures be taken for substituting, for the Persian, the vernacular languages.

I AM directed to transmit to you a copy of a resolution passed by His Honor the Deputy Governor of Bengal under date the 23d ultimo, with reference to which you are requested to take immediate measures for substituting, for the Persian, the vernacular language of your district in conducting the proceedings of your court.

* The Circular Order No. 204, 20th April 1837, implies that it was issued by the Western Court; but that was not the case. The Court at Allahabad issued, in lieu thereof, the Circular and modified form of statement which appears as No. 2 of the 8th December 1837. It should be observed that the form in question is superseded by Statement No. 6 of the revised forms prescribed by the Circular Order No. 28 of the 7th December 1838, printed in a subsequent page.

† The statement has been filled up for the guidance of the zillah and city judges in the preparation of their own.

2. You are also requested to communicate the orders of Government to the several subordinate courts and authorities of your district, in order that measures of a similar nature may be adopted by them.

3. To enable the Court to lay before Government the information required to be submitted by the 1st July next, you will report by the 1st June the progress that has been made in carrying into effect the present instructions.

Copy of a Resolution received from the Judicial and Revenue Department, under date the 23d January, 1838.

The President of the Council of India in Council having been pleased, on the 4th ultimo, in conformity with Section 2, Act XXIX. of 1837, to delegate to the Deputy Governor of Bengal all the powers given to the Governor General in Council by that Act, the Deputy Governor has resolved that in the districts comprised in the Bengal division of the Presidency of Fort William, the vernacular language of those districts shall be substituted for the Persian in judicial proceedings and in proceedings relating to the revenue, and that the period of twelve months from the 1st instant shall be allowed for effecting the substitution.

His Honor is sensible that this great and salutary reform must be introduced with caution, involving as it does the complete subversion of an old and deeply rooted system. He therefore vests the various heads of departments with a discretionary power to introduce it into their several offices and those respectively subordinate to them, by such degrees as they may think judicious, only prescribing that it shall be completely carried into effect within the period above mentioned.

For his Honor's information a report of the progress made in the introduction of this measure will be required on the 1st July next and again on the 1st January 1839.

Ordered, that a copy of the above resolution be transmitted to the General Department for the issue of instructions to the above effect in respect to the offices subject to that department.

TO THE SEVERAL ZILLAH AND CITY JUDGES.

Lower Provinces,
Western Provinces, } 23d *February*, 1838.

No. 4.
Communicating orders with reference to Act XXV. of 1837.

WITH reference to Act XXV. of 1837, I am directed to communicate to you the following orders.

2. You will immediately transfer from your own file to the files of the principal sudder ameens all suits in which the amount or value of the property sued for may exceed 5000 rupees, and all suits preferred under Section 30, Regulation II. 1819, and to the files of the principal sudder ameens and sudder ameens all suits in which the Government or its officers may be a party, accordingly as the suits may be cognizable by those courts respectively. You are of course competent to retain any of these suits on your own file, provided you see sufficient grounds for so doing, but in reporting to the Court (which you are hereby required to do on the transmission of the monthly statements first sent after the receipt of these instructions) the execution of their orders, you will submit a list of the suits that you have so retained, and you will briefly explain your reasons for so doing. In like manner you will briefly explain in your monthly statement No. 1, the nature of all original suits retained on your own file, and the cause of their retention.

3. All suits under Section 30, Regulation II. 1819, referred to a principal sudder ameen, will be sent as heretofore to the collector of the district for investigation and report. The collector on closing his proceedings will transmit them under Clause 6, Section 30, Regulation II. 1819, to the principal sudder ameen for decision.

4. No suits should be referred to the principal sudder ameen in which the documentary evidence may be in the English language, unless such principal sudder ameen is acquainted with the English language.

5. All summary appeals from the decisions of principal sudder ameens, of the nature contemplated by Section 3, Regulation XXVI. 1814, in suits above the value of 5000 rupees, shall be made direct by the parties to this Court..

6. All petitions for regular appeals from the decisions of principal sudder ameens in suits above the value of 5000 rupees shall be made direct to this Court, or to the principal sudder ameens. In the latter case the principal sudder ameen will make up the original record in the manner prescribed by Regulation VI. of 1793, Section 11, the package containing the record of the case, carefully secured from wet according to the Court's orders noted in the margin,* is to be addressed to the register of the Sudder Court, and it is to be sent with the usual certificate under the official seal and signature of the principal sudder ameen to the register of the Sudder Court. The copy of the record which is required to be made by the Regulation last quoted, is to be deposited for safe custody in the record office of the judge.

* Nos. 67 and 70, dated the 19th September, 1823, and the 21st May, 1824.

7. All applications for reviews of judgment in suits decided by the principal sudder ameen, will be made direct to that officer, who will proceed agreeably to Section 19, Regulation V. 1831, and when recommended to be admitted in suits above the value of 5000 rupees, the principal sudder ameen will forward the application direct to this Court.

8. Precepts from this Court will be sent direct to the principal sudder ameen, and all returns, unless specially directed otherwise, will be submitted by the principal sudder ameen to this Court with the usual certificate.

TO THE SEVERAL ZILLAH AND CITY JUDGES, GOVERNOR GENERAL'S AGENT AT HAZAREEBAUGH, &c.

Lower Provinces, }
Western Provinces, } *2d March*, 1838.

No. 5.

Allowance drawn by the native judges on account of stationery and establishment, should be bonâ fide appropriated to those purposes.

WITH reference to the resolution passed by the Right Honorable the Governor General of India in Council, under date the 2d October last, fixing the allowance to be drawn by the principal sudder ameens, sudder ameens, and moonsiffs, on account of establishment and stationery, I am directed by the Court to acquaint you that it is the intention of the Government that the whole sum should be bonâ fide appropriated to those purposes. You will inform the subordinate judicial functionaries of your district accordingly, and direct them to submit to you, without delay, a statement of the manner in which they propose to expend the allowance in question, in revising which, you will see that the sum set down for stationery is not larger than, upon a fair estimate, may appear to you necessary to cover the expence likely to be incurred in providing that article. The names of the officers on the establishments of the subordinate courts should also be registered in your office, and the receipts for their salary should be sent in monthly by the officer under whom they may be employed, accompanied by his own.

TO THE SEVERAL ZILLAH AND CITY JUDGES.

Lower Provinces, 6*th April*, 1838.
Western Provinces, 4*th May*, 1838.

No. 6.

Directing zillah and city judges to adopt and cause to be introduced into the subordinate courts the form of register of fines prescribed by the Nizamut circular order No. 5, of the 5th January last.

I AM directed by the Court to request that you will adopt in your court, and cause to be introduced into the subordinate courts, the form of register of fines prescribed by the circular order No. 4, of the 5th January last,* on the criminal side of the Court.

2. The object of the Court in prescribing the use of this form is to provide against the misappropriation, on the part of any of your ministerial officers, of moneys paid into court; but it is not intended to prevent the adoption of any additional checks which you may consider necessary.

3. The Court request that due attention be paid to the entry in the register of all fines immediately they are imposed, to the issuing of perwannahs to the nazir to realize the amount of such fines, and to the examination of the register at the commencement of every month, by the head clerk, serishtadar, nazir, and treasurer of your court.

* The circular was issued by the Western Court under date the 15th December 1837.

TO THE SEVERAL ZILLAH AND CITY JUDGES.

Lower Provinces, 11*th May*, 1838.
Western Provinces, 8*th June*, 1838.

No. 7.

Calling attention to the printed construction No. 325, which prohibits the admission as evidence of unstampt obligations written in merchants' and bankers' books.

IT appearing to be the practice in some districts to admit in evidence merchants' and bankers' books, in which obligations for money debts are entered and formally signed and attested, I am directed by the Court to request your attention to construction No. 325 of the printed construction book, which prohibits such account books being received in evidence in the absence of a proper stamp, as prescribed by Schedule A. Regulation X. 1829.

TO THE SEVERAL ZILLAH AND CITY JUDGES.

Lower Provinces, *Western Provinces*, } 5*th June*, 1838.

No. 8.

Rules regarding the proper course of appeal from orders passed by principal sudder ameens in cases referred to them under Sections 1, 4 and 8, Act XXV. 1837.

WITH reference to the provisions of Sections 1, 4 and 8, Act XXV. of 1837, I am directed by the Court to communicate to you, for your information and guidance, the following rules regarding the proper course of appeal from orders passed by the principal sudder ameens in cases referred to them under the Sections above quoted, and to request that you will issue instructions accordingly to those officers.

2. All orders passed by the principal sudder ameens in execution of their own decrees, in cases referred to them under the provisions of Sections 1 and 4, Act XXV. of 1837, must, in the opinion of the Court, follow the same law of appeal as the decrees themselves, and are consequently appealable directly to the Sudder Dewanny Adawlut.

3. Upon the same principle, the Court are of opinion that summary appeals from orders passed by the principal sudder ameens under Sections 4 and 5, Regulation II. of 1806, in cases exceeding 5000 rupees in value, referred to them under the Sections of the Act above cited, must follow a similar course.

4. With respect to orders passed by the principal sudder ameens, in miscellaneous cases referred to them under the authority of Section 8 of the Act in question, the Court are of opinion, that the proviso contained in that Section being general, must be held to include cases in which the amount or value of the matter at issue may exceed 5000 rupees equally with those under that sum, and that, consequently, the appeal in such cases from the order of the principal sudder ameen lies in the first instance to the zillah or city judge, and specially to the Court of Sudder Dewanny Adawlut.

TO THE ZILLAH AND CITY JUDGES, GOVERNOR GENERAL'S AGENT AT HAZAREEBAUGH, AND COMMISSIONERS OF ASSAM, ARRACAN AND TENASSERIM.

Lower Provinces, 6th July, 1838.
Western Provinces, 7th September, 1838.

No. 9.

Forms of address to be observed by public functionaries in their correspondence with native judges.

THE Government having been pleased to approve of an alteration of the forms of address to be used in communications addressed to the principal sudder ameens, I am directed by the Court to request that the following forms be observed in future by all public functionaries having occasion to correspond with the native judges.

PRINCIPAL SUDDER AMEENS.

	Form of Address.	*Title.*
Christian,	Sir.	Esquire.
Mahomedan,	سموالمرتبت معالي منزلت سلمه الله تعالى	خان بهادر
Hindoo,	ایضاً	رای بهادر

SUDDER AMEENS.

	Form of Address.	*Title.*
Christian,	Sir.	Esquire.
Mahomedan,	رفعت وعوالي منزلت سلمه	خان
Hindoo,	ایضاً	رای

MOONSIFFS.

	Form of Address.	*Title.*
Christian,	Sir.	Mr.
Mahomedan,	بعافیت باشند	دیانت وامانت پناه
Hindoo,	ایضاً	ایضاً

2. The circular order No. 74, 14th December 1832, is of course to be considered as superseded.

TO THE ZILLAH AND CITY JUDGES, GOVERNOR GENERAL'S AGENT AT HAZAREEBAUGH, AND COMMISSIONERS OF ASSAM AND ARRACAN.

Lower Provinces, 20*th July,* 1838.
Western Provinces, 3*d August,* 1838.

No. 10.

Not printed.

Razeenamehs filed in moonsiffs' courts

IT appearing from the returns to the circular* issued by the Court, under date the 27th October last, that several of the moonsiffs in these provinces refuse to receive Razeenamehs in cases depending before them if not written on stampt paper, I am directed to inform

you that as by Article 10, Schedule B, Regulation X. of 1829, it is provided that Razeenamehs shall bear the stamp prescribed for pleadings in the court wherein they may be filed, and under the provisions of Clause 2, Section 9, Regulation V. of 1831, the pleadings in the moonsiffs' Courts are not required to be written on stampt paper, the practice above referred to, is irregular, and should be strictly prohibited wherever it may exist. You will consider this prohibition to extend equally to Razeenamehs filed in the moonsiffs' courts in cases of execution of decrees.

not to be drawn on stampt paper. Cases adjusted or withdrawn, or decided on a confession of judgment, how to be entered in the periodical statements.

2. The Court having remarked that an uniform system is not observed in regard to the entry in the periodical statements of cases adjusted or withdrawn, or decided on a confession of judgment (Iqbal dawee,) and that the statements, in consequence, frequently convey a very erroneous estimate of the actual quantity and quality of work disposed of, direct me to communicate to you the following rules on this point for the guidance of yourself and the courts subordinate to you.

3. All cases decided on Iqbal dawee, or Soolehnameh, whereby the whole, or a part of the claim is adjudged to the plaintiff, and a decree passes, on which execution can be sued out, should be entered under the head of " decided on trial."

4. All cases in which a Bazdawee may be filed by the plaintiff, whether the defendant consents to forego his right to recover costs, or not, as well as cases in which a Razeenameh or Soolehnameh may be given in, whatever may be its tenor or import, in regard to the arrangement which the parties may have made, or may agree to make amongst themselves, provided the application to the court is not such as to require a decretal order to pass, on which execution can be taken out, should be entered under the head of " adjusted or withdrawn."

5. I am directed to take this opportunity of pointing out to you that the object of Article 10, Schedule B, Regulation X. of 1829, in authorizing the courts in certain cases to refund to the plaintiff either the whole, or a portion of the stamp duty paid on the plaint, being to encourage, as much as possible, such a complete adjustment of the matter in dispute amongst the parties themselves out of court, as shall render it unnecessary for the court to exercise any further interference whatever in the case, and this object being obviously defeated where either party may apply to the court either to recover the costs of suit, or to do any other act of that nature, the plaintiff is not entitled in such cases, under the article in question, to the refund of any part of the stamp duty paid by him on the plaint. The Court see reason to believe that this distinction is not sufficiently attended to.

6. You are requested to communicate these instructions to the subordinate judicial functionaries of your district, and strictly to enforce the observance of them by those officers.

TO THE SEVERAL ZILLAH AND CITY JUDGES.

Lower Provinces, 10*th August*, 1838.
Western Provinces, 7*th September*, 1838.

No. 11.

Caution against delay in the publication of advertisements for the sale of estates on account of arrears of revenue.

UNDER instructions from the Government I am directed by the Court to request, that you will take particular care that no delay occurs in the publication of the advertisements, received at your office, for the sale of estates on account of arrears of revenue.

TO THE SEVERAL ZILLAH AND CITY JUDGES.

Western Provinces, 20*th July*, 1838.
Lower Provinces, 10*th August*, 1838.

No. 12.

Certificates forwarded by principal sudder ameens with their returns to the Court's precepts not to be drawn out in English when those officers are not acquainted with that language.

WITH reference to the rule contained in paragraph 8 of the Court's circular orders, No. 4, of the 23d February last, I am directed to acquaint you that the certificates which the principal sudder ameens are thereby required to forward with their returns to the Court's precepts, need not be drawn out in English when those officers are not acquainted with that language; you are requested to inform the principal sudder ameen of your district accordingly.

TO THE SEVERAL ZILLAH AND CITY JUDGES.

Western Provinces, 27*th July*, 1838.
Lower Provinces, 10*th August*, 1838.

No. 13.

Rules which govern the award of costs in regular suits to be considered equally applicable to miscellaneous cases.

DOUBTS appearing to be entertained as to the competency of the civil courts to adjudge the payment of costs in miscellaneous cases, either original or in appeal, I am directed to convey to you the opinion of the Court, for the information of yourself and the subordinate judicial officers of your district, to whom you are requested to make the necessary communication, that the same rules, which govern the award of costs in regular suits must be considered equally applicable to miscellaneous cases.

TO THE ZILLAH AND CITY JUDGES, GOVERNOR GENERAL'S AGENT AT HAZAREEBAUGH, AND COMMISSIONERS OF ASSAM, ARRACAN AND TENASSERIM.

Lower Provinces, 10*th August*, 1838.
Western Provinces, 23*d November*, 1838.

No. 14.

Authorizing entertainment of extra

THE Government having been pleased to authorize the entertainment of a mohurrir in every zillah, on a salary of 12 rupees per month, to be employed exclusively in keeping

mohurrirs for keeping up the registers prescribed by Section 4, Regulation XVIII. 1793, and prescribing forms of registers.

up the registers prescribed by Section 4, Regulation XVIII. 1793, I am directed by the Court to request that you will cause the following registers to be immediately commenced upon, in the language now in use in your court.

No. 1. Register of civil suits disposed of by the judge, additional judge, principal sudder ameen, and sudder ameen of zillah ———— in the year 183—, and deposited in the records of the court of that district, as per annexed form.

No. 2. A similar register of suits disposed of by moonsiffs.

No. 3. Books containing the usual list of papers comprising the record of cases disposed of by the judge, additional judge, principal sudder ameen, and sudder ameen, of zillah ———— for 183—.

No. 4. Similar books for the cases disposed of by the moonsiffs.

2. The first two register books will be kept up, under the immediate orders of the record keeper, by the mohurrir specially appointed for the purpose. In them will be entered all regular suits disposed of by the judge and the subordinate judicial officers, whether decided on their merits or otherwise. In entering in the proper column the final order in each case, the record keeper must be directed to state the nature of that final order, that is, in cases dismissed or decreed for the whole claim to enter merely the word dismissed or decreed, but where the decree affects only a part of the matter or thing in dispute to record the substance of such order.

3. The books (Nos. 3 and 4) which are to contain a list of the papers composing each case, are to be kept up in the courts to which they severally belong. The lower courts will forward to the judge, at the end of every month, the original records of all cases disposed of within the month, for the purpose of being placed in his record office, and will accompany each case with a list, taken from those books, specifying the nature of the papers comprising the misl. The judge's omlah, after comparing such list with the original misl and finding the two to correspond, will immediately fill up column No. 7 of the registers Nos. 1 and 2. The labour of compiling the books in question, which will be entailed on the establishment of the lower courts, is not more than, with the recent addition to their allowances, they may fairly be expected to undertake.

4. In those districts in which the registers have been allowed to fall into arrears or have been totally neglected, the Court expect the judges will avail themselves, as far as possible, of their regular establishments to supply in an abstract form the information for past years which ought to have been entered in the neglected registers.

FORM OF REGISTER BOOK No. 1.

REGISTER of Civil Suits, disposed of by the Judge, Additional Judge, Principal Sudder Ameen and Sudder Ameen of Zillah ——— in the year 183—, and deposited among the Records of the Court of that District.

Number of Registry.	Number and Nature of Suit.	Names of parties.	Substance of Petition of Plaint or Appeal.	Date of filing Petition of Plaint or Appeal.	Date and substance of final order, and by whom passed.	Actual number of Papers, comprising the Record of the case.	Remarks.
1, ...	321, Original Suit,	Raj Kissore Chowdry, Plaintiff, *vs.* Huree Kissen, Defendant, ...	For possession of Talookh Radanagor—Suit laid at Rs. 5,300, three times the Sudder Jumma, ...	1st July 1835,	Decree by A. B., Esquire, Judge, in favor of the Plaintiff, on the 2d January 1837,	Fifty-one, as per list in page 1, Book No. 3,	The papers were forwarded to the Collector on the 10th May 1837, as requested by his Roobacarry of the 1st May, 1837. Returned back from Collector on 13th August 1837. Transmitted to the Court of Sudder Dewanny Adawlut on the 1st November, 1837.
2, ...	405, Appeal,	Appellant, *vs.* Respondent.	To set aside the decision of Moolvee ———, Principal Sudder Ameen, dated—	7th March 1836, ...	Appeal dismissed, and the decision of Principal Sudder Ameen confirmed by the Judge on the 3d January 1837,...	Seventeen as per list in page 1, Book No. 3.	

No. 2.

The same as above for the Moonsiffs.

TO THE SEVERAL ZILLAH AND CITY JUDGES.

Lower Provinces, } 10*th August*, 1838.
Western Provinces, }

No. 15.

Civil courts, in reversing sales of estates made in satisfaction of arrears of public revenue, not to declare the precise sum receivable by the auction purchaser as compensation, but merely to order the restoration of the former proprietor to possession with whatever mesne profits he may be entitled to receive for the period of his dispossession.

THE Court have observed, that in suits brought against Government and the auction purchasers of estates sold in satisfaction of arrears of public revenue, for the purpose of obtaining the reversal of such sale, it is very generally the practice of the civil courts not only to set aside the sale, and to order the former proprietor to be re-instated in possession, but also to declare the precise sum which the auction purchaser is entitled to receive from Government as compensation, thus, in fact, determining a matter between the defendants, which is not properly before the court, and which, in the event of any dispute arising in regard to it, should form the subject of a separate action, and deeming such practice irregular and objectionable, they are pleased to prohibit it, and to direct that in any cases of the above description which may now be pending, or which may hereafter come before the civil courts, they strictly confine themselves in their decree to ordering the reversal of the sale, and the restoration of the former proprietor to possession, with whatever mesne profits he may be entitled to receive for the period of his dispossession from either the Government or the auction purchaser, at the same time pointing out to the latter that he must apply to the revenue authorities to reimburse him any sum which he may consider himself endamaged by such decision, and in the event of their refusing, or failing to comply with his demand, it will be open to him to seek his remedy in a regular civil action in the usual way.

2. You are requested to communicate these instructions for the information and guidance of the subordinate judicial functionaries of your district.

TO THE ZILLAH AND CITY JUDGES, GOVERNOR GENERAL'S AGENT AT HAZAREEBAUGH, AND COMMISSIONERS OF ASSAM, ARRACAN, AND TENASSERIM.

Lower Provinces, } 24*th August*, 1838.
Western Provinces, }

No. 16.

Modifying the certificate No. 1, prescribed by the circular order of the 24th October, 1834.

THE Court of Sudder Dewanny Adawlut having ruled that petitions of appeal from decisions passed by you on original suits, (or by the principal sudder ameen under Act XXV. of 1837,) need not be accompanied, when presented to you, by a copy of the decree appealed against, it is necessary to modify the certificate No. 1, prescribed by the Circular Order of the 24th October 1834, I am accordingly directed to request that in using that form on such occasions, you will in future strike out the three heads, noted in the margin,* of the 1st paragraph of the certificate.

2. You will be pleased to observe that, under the construction alluded to, petitions of appeal in cases of the description in question must be presented to you (or to the

* "Copy of it applied for on the ——
" Stampt paper furnished on the ——
" Copy of the decree delivered or tendered on the ——"

principal sudder ameen, as the case may require) within three months from the date of the decision, without any deduction whatever; otherwise it will not be competent to you (or to the principal sudder ameen) to certify that they have been duly preferred.

3. You are requested to explain the purport of these orders to the principal sudder ameen of your district.

TO THE SEVERAL ZILLAH AND CITY JUDGES.

Western Provinces, 3d August, 1838.
Lower Provinces, 31st August, 1838.

No. 17.

Pointing out the consistency of the circular No. 7, 11th May 1838, and construction No. 325, with construction No. 592.

I AM directed to forward, for the information and guidance of yourself and the subordinate judicial functionaries of your district, to whom you are requested to make the necessary communication, the accompanying copy of a letter written by order of the Western Court, on the 3d instant, to the judge of zillah Goruckpore, with reference to the circular letter No. 7, of the 11th May last.*

Copy of a Letter from the Register of the Sudder Dewanny and Nizamut Adawlut, Western Provinces, to the Judge of Zillah Goruckpore, dated 3d August, 1838.

The Court having again had before them your letter, No. 148, under date the 21st June last, direct me to inform you, that the circular therein adverted to, (as is manifest as well from the preamble, as from the reference made in it to the letter addressed to the late Dacca Provincial Court on the 18th August, 1820, No. 325 of the construction book,) was intended merely to point out that bonds, tumassooks, or other obligations for the payment of money, entered in merchants' books, could not be received, as such, in evidence in a civil suit, unless the paper on which they were engrossed, bore the stamp prescribed for instruments of that nature in Article 7, Schedule A, Regulation X. of 1829, and not in any way to prohibit the admission of books of account as evidence in like manner as heretofore, it being expressly laid down in the letter written to the judge of zillah Tipperah on the 6th May, 1831, No. 592 of the construction book, that there being no regulation requiring account books to be written on stampt paper, they should be considered admissible as evidence, although written on unstampt paper, which construction it certainly was not the intention of the circular, referred to in your letter, to supersede.

2. A copy of this letter has been circulated under this date for the information and guidance of the several courts of civil judicature under the Court's control, and you are requested to communicate the contents of it to the subordinate judicial functionaries of your district.

* Issued in the Western Provinces under date the 8th June, 1838.

TO THE CIVIL AND SESSION JUDGES, MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, 31*st August*, 1838.
Western Provinces, 13*th November*, 1838.

No. 18.

Cases decided by the criminal authorities under the provisions of Section 6, Regulation VII. 1819, are not open to a civil action.

THE Court having reason to believe that doubts exist as to the legality or otherwise of admitting civil actions to contest the awards of the criminal authorities under the provisions of Section 6, Regulation VII. 1819, I am directed to communicate to you their opinion, that cases decided by the criminal authorities under the rules laid down in that Section are not open to a civil action.

TO THE SEVERAL ZILLAH AND CITY JUDGES.

Western Provinces, 3*d August*, 1838.
Lower Provinces, 31*st August*, 1838.

No. 19.

Rules to be observed by the civil courts for procuring the attendance of parties in cases remanded for further investigation or to be tried de novo.

IN reviewing the monthly explanations furnished by the district judges in these provinces, of the causes of delay in the decision of cases of long standing, the Court have remarked, that no uniform system is observed by those officers for procuring the attendance of the parties, either in person or by vakeel, in cases sent back for further investigation, or to be tried de novo, and the consequence is, that considerable delay is frequently found to take place at that stage of the proceedings. With a view, therefore, to the removal of such cause of delay, and to expedite as far as may be practicable, consistently with a due regard to essential forms, the final disposal of cases of the above description, the Court direct me to communicate to you the following rules for the guidance of yourself and the subordinate courts of your district, to whom you are requested to issue instructions accordingly.

Rules to be observed by the civil courts for procuring the attendance of the parties in cases remanded for further investigation, or to be tried de novo.

1. On a case being remanded for further investigation, or to be tried de novo, if the vakeels employed by the parties during the original investigation of the suit be in attendance, the judge shall immediately on the receipt of the proceedings in his office, call upon such vakeels distinctly to state, whether they have received any instructions from their clients and are prepared to go on with the case, and if their answer be in the affirmative, no further notice to the parties shall be deemed necessary.

2. Where the vakeel of the plaintiff may not be in attendance, or being in attendance, may plead either that he has not received any instructions from his client, or that he is not prepared to proceed with the case, the judge shall not put off the case with

a view to the vakeel making a reference to his client on the subject, but shall immediately cause a notice in either of the accompanying forms, marked A, or B, according as the case may be, to be served on the plaintiff in the usual mode, requiring him to proceed according to law; and if the plaintiff, after having been duly served with a notice in the manner above stated, shall neglect to prosecute his suit, either in person or by vakeel, for the period of six weeks, calculated from the date of such service, the judge shall proceed as directed in paragraph 2, of the circular orders of the 5th November, 1812, declared applicable to original suits by the concluding paragraph of the same circular, by calling on the plaintiff to shew cause for his neglect, and on his failing to do so, shall dismiss his suit on default.

3. In the event of its not being found practicable to serve a notice on the plaintiff, the judge, immediately on the receipt of the nazir's return to that effect, shall issue a proclamation, to be stuck up in the court room, and on the outer door of the plaintiff's dwelling house, or in some conspicuous place in the village where he resides, in either of the above mentioned forms, according as the one or the other may be applicable, requiring him to proceed according to law; and if the plaintiff shall fail to prosecute his suit, either in person or by vakeel, for the period of six weeks, calculated from the date of the publication, in the prescribed mode, of such proclamation, the judge shall proceed to dispose of the case in the manner laid down in the circular order above quoted.

4. Where the vakeel, employed by the defendant during the original investigation of the case, may not be in attendance, or being in attendance may plead either that he has not received any instructions from his client, or that he is not prepared to proceed with the case, the judge shall not put off the case with a view to the vakeel making a reference to his client on the subject, but shall immediately cause a notice to be served, in the usual mode, on the defendant in either of the accompanying forms marked C and D, according as the case may be, and shall observe generally the rules laid down in Sections 2 and 3, Regulation II. of 1806, modifying Section 5, Regulation III. of 1803.

5. Nothing in the foregoing rules shall be understood as exempting the vakeels, employed during the original investigation of a suit, from conducting the same on its return for further enquiry or to be tried anew, provided such should be the wish of the parties by whom they may have been retained, it being expressly declared by Section 34, Regulation XXVII. of 1814, that the vakeels are to make all motions, and do all acts that may be requisite relative to any suit in which they may have been entertained, not only during the trial of the suit, but after a decision shall have been passed, until the final judgment shall have been enforced; nor are the vakeels, engaged during the original investigation of a case entitled, under the Regulations, to any additional fee for the extra labor that may be imposed upon them in the further enquiry, or retrial of the suit, the original fee being considered a full remuneration for their services until the case has been finally disposed of, and the courts should therefore strictly abstain from awarding them any additional compensation on such account.

A

Whereas the case of ——————— *versus* ——————— wherein you are plaintiff, which was decided by this court under date ——————— having been remanded by the court of ——————— *for further investigation*, or *to be tried de novo*, with directions that it be restored to its original number on the file of this court, and it appearing on enquiry, that no vakeel is in attendance on this court to represent you in the suit, take notice therefore, that in the event of your failing to adopt measures, either in person or by vakeel, for the prosecution of your suit for the period of six weeks, calculated from the date of the service of this notice, the said suit will be dismissed on default, unless you show good cause to the satisfaction of the court for not having proceeded in it.

B

Whereas the case of ——————— *versus* ——————— wherein you are plaintiff, which was decided by this court under date ——————— having been remanded by the court of ——————— *for further investigation*, or *to be tried de novo*, with directions that it be restored to its original number on the file of this court, and it appearing on enquiry that the vakeel retained by you during the previous investigation of the suit, though in attendance, has not received any instructions from you, and that he is not prepared to go on with the case, take notice, therefore, that in the event of your failing to adopt measures for the prosecution of your suit for the period of six weeks, calculated from the date of the service of this notice, the said suit will be dismissed on default, unless you shew good cause to the satisfaction of the court for not having proceeded in it.

C

Whereas the case of ——————— *versus* ——————— wherein you are defendant, which was decided by this court under date ——————— having been remanded by the court of ——————— *for further investigation*, or *to be tried de novo*, with directions that it be restored to its original number on the file of this court, and it appearing on enquiry that no vakeel is in attendance on this court to represent you in the suit, take notice, therefore, that in the event of your failing to adopt measures either in person or by vakeel on or before the ——————— to make answer in the said suit, the court will proceed to try the same ex-parte, and will give judgment in the same manner as if you had appeared, answered, and entered into proof.

D

Whereas the case of ——————— *versus* ——————— wherein you are defendant, which was decided by this court under date ——————— having been remanded by the court of ——————— *for further investigation*, or *to be tried de novo*, with directions that it be restored to its original number on the file of this court, and it appearing on enquiry that the vakeel retained by you during the previous investigation of the suit, though in attendance, has not received any instructions from you, and that he is not prepared to go on with the case, take notice, therefore, that in the event of your failing to adopt measures on or before the ——————— to make answer in the said suit, the court will proceed to try the same ex-parte, and will give judgment in the same manner as if you had appeared, answered, and entered into proof.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, } *28th September,* 1838.
Western Provinces, }

No. 20.

Rules regarding the receipt and admission on the files of the judge's court of regular appeals from the decisions of the subordinate judicial functionaries.

THE Court, having observed that in some of the districts in these provinces an uniform and proper system is not observed, in regard to the receipt and admission on the file of the judge's court of regular appeals from the decisions of the subordinate judicial functionaries, direct me to request your particular attention to the following rules on this point, and to enjoin a careful observance of them for the future.

2. In paragraph 2 of the Court's circular order of the 6th February 1835, explaining the course of proceeding to be adopted by the zillah and city judges in receiving petitions of appeals from the subordinate tribunals, and in revising such petitions under Section 16, Regulation V. of 1831, it is laid down, that any person dissatisfied with the decision of a moonsiff, sudder ameen, or principal sudder ameen, passed in an original suit, being at liberty under the existing Regulations to appeal from such decision as a matter of right, all such petitions of appeal shall be immediately examined by the serishtedar, or other head native officer of the judge's court, and provided they be written on stampt paper of the proper value, and presented to the court within the period prescribed by the Regulations, they shall be filed and numbered in the regular register books of the court, or, in other words, admitted.

3. The Court observe, that the only exceptions to this rule are cases, in which any deviation may be observable from the established practice of the nature above stated, and which are required by the same paragraph to be brought to the special notice of the judge, who is to pass such orders thereon as he may think proper.

4. Where, therefore, the petition of appeal may be in all respects regular and proper, the serishtadar, or other head native officer, should immediately certify to that effect, under his signature, on the back of it, and an order should at the same time be passed, directing the original record of the case, or misl, to be placed with the petition of appeal, to enable the judge when hearing the latter under the rule laid down in Clause 2, Section 2, Regulation IX. of 1831, which has been extended to the courts of the zillah and city judges by Act VII. of 1838, to refer to any part of the proceedings that he may consider necessary with a view to satisfy himself of the correctness or otherwise of the judgment appealed from. The Court observe that in such cases there can be no reason why, under ordinary circumstances, the examination of the papers by the serishtadar should not be made, and the order, directing the original misl or record to be placed therewith, passed, on the same day as that on which the petition of appeal may be presented, or, at the farthest, on the next court day.

5. The judge, as soon as practicable, and as provided in Clause 2, Section 2, Regulation IX. of 1831, without reference to the order of the file, should then proceed in

the presence of the appellant, or his vakeel, to revise the petition of appeal and such parts of the record as he may deem necessary; and if, upon a full consideration thereof, he should see no reason to impugn the correctness or justness of the decision appealed from, he should confirm the same, and forthwith communicate the order for confirmation, as directed in Clause 3, Section 16, Regulation V. of 1831, through the court, from whose judgment the appeal was made, to the opposite party, with a view to enable such party to take immediate measures for the execution of the decree.

6. In such cases, the Court observe, the order of the judge, instead of merely stating the appeal of the appellant to have been rejected or dismissed, should go on to declare the decree of the lower court to have been confirmed. The Court do not however, consider it necessary for the judge to draw out a formal decree, by which term they mean a decree containing a recapitulation of the proceedings of the court of original jurisdiction. It will be sufficient for him to record a brief order in confirmation of the decision appealed from, in which he should confine himself to a succinct abstract of the grounds urged by the appellant against the decision of the lower court, in order that, in cases open to a special appeal, the Court, to which such appeal may be preferred, may see at once whether the appellant has brought forward any new pleas, not adduced before the judge, or merely those which have already been over-ruled by that officer in the regular appeal. As such order must, however, be looked upon in the same light, and carry with it the same force as a regular decree, copies of it, when applied for by either of the parties, should be required to be taken on stampt paper of the same size and value as prescribed for copies of decrees of the judge's court.

7. I am further directed to observe that in cases of the above nature where the appellant may have filed a copy of the decree of the lower court with his petition for a regular appeal, the same should be returned to him on the rejection of his appeal; and the Court have resolved that, in cases open to a special appeal, the appellant shall be allowed to file such copy with his application for the admission of a special appeal, accompanied by a copy of the appellate court's order rejecting his appeal, and affirming the decision of the lower court.

8. The Court having had instances before them in which the zillah judges, on confirming in appeal the decision of the lower court without summoning the respondent, have ordered the appellant to pay the respondent's costs, and respondent's vakeel to receive from the treasury the amount of his fees in deposit, direct me to take this opportunity of observing, that such order is irregular. On this point I am desired to call your attention to the Court's circular letter of the 24th August 1832, No. 60, which expressly declares that as no costs need be incurred by the respondent until he be summoned to answer the petition of appeal, it is not necessary to demand security for costs from the appellant before the respondent is called upon to answer.

9. It is not, of course, intended by the foregoing remark to prohibit the attendance of the respondent either in person, or by vakeel, during the perusal of the petition of

appeal in cases of the above description, but merely to point out that when he may attend of his own accord he must do so at his own cost, defraying himself any expences he may incur either in providing himself with a vakeel or otherwise, and which cannot be charged to the appellant, and any mention, therefore, in regard to the payment of costs is unnecessary; though it would be proper to specify, at the foot of the judge's order, the costs incurred by the appellant in the appeal, and which necessarily fall on him in the first instance, so that in the event of the decision of the judge's court being reversed or modified on a special appeal, provision may be made for the payment of the same.

TO THE ZILLAH AND CITY JUDGES AND GOVERNOR GENERAL'S AGENT AT HAZAREEBAUGH.

Lower Provinces, 28th September, 1838.
Western Provinces, 23d November, 1838.

No. 21.

Not printed.

Measures prescribed for the better attainment of the objects of the registration of deeds by pergunnah cazees.

ON a review of the returns to the circular order of the 24th November* last, on the subject of the records of pergunnah cazees, the Court find that there is no uniform system of registry in use, and that the records are, in some instances only, deposited in the office of the judge, in consequence of which they are exposed to loss and damage. With a view therefore to the better attainment of the objects of the registration of deeds by the pergunnah cazees, the Court request that you will direct those officers to enter copies of all deeds attested by them in books, to be furnished to them by you, paged throughout, and attested with your initials, and properly bound up; to forward to you monthly a list, drawn up in the annexed form, of the deeds so attested and registered; and to forward the books themselves to your office, when filled up, for the purpose of being deposited among your records for preservation as well as future reference.

FORM OF LIST.

No. of the deed in the registry.	Page of the registry in which the deed is entered.	Date of deed, and names of the parties and subscribing witnesses thereto.	Date of attestation and names of parties and witnesses present on the occasion.	Description of deed.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, 5th October, 1838.

No. 22.

Revenue authorities to be furnished with copies of those decrees only which are final and of which execution shall have been taken out.

IT having been brought to the notice of the Court that the transmission to the revenue authorities, of copies of all decrees passed by the civil courts regarding lands paying revenue to Government, under the provisions of Section 9, Regulation IV. of 1793, is productive of considerable inconvenience in consequence of the decrees being subsequently modified or reversed in the courts of appellate jurisdiction, I am directed to request that in future you will furnish the revenue authorities with copies of those decrees only which are final and of which execution shall have been taken out.

2. You are requested to communicate these instructions to the native judges of your district for their information and guidance.

TO THE ZILLAH AND CITY JUDGES AND GOVERNOR GENERAL'S AGENT AT HAZAREEBAGH.

Lower Provinces, 5th September, 1838.
Western Provinces, 5th October, 1838.

No. 23.

Officers on the establishment of native judges not to be dismissed by them except on the score of misconduct or incapacity.

THE Court, having become aware of an instance in which a principal sudder ameen dismissed the amlah of the court to which he had been appointed, with a view to make room for those who were employed under him in another district, direct me to request that you will warn the principal sudder ameens and other native judges attached to your jurisdiction, of the impropriety of such a proceeding, and impress upon them that no officer employed under them is to be dismissed except on the score of misconduct or incapacity, and that they are not in any way to compel or require an officer to resign his situation so long as he discharges his duties in a correct and efficient manner.

2. The general power of control over the appointment of the ministerial officers of the native judges, vested in you by Section 12, Act XXV. of 1837, must be considered to include not only the duty of seeing that no improper person is appointed, but also that of restraining the judges from dismissing, except for some good and sufficient reason, any person once placed on their establishments. It is accordingly competent to you to receive an appeal from any individual who may consider himself improperly dismissed from office by a native judge, and to direct his restoration if you consider such a measure expedient.

3. Any case of this description characterized by flagrant impropriety, which may be brought to the notice of the Court, will be visited with their severe displeasure.

TO THE ZILLAH AND CITY JUDGES.

Western Provinces, } 12*th October*, 1838.
Lower Provinces, }

No. 24.

Appointment of arbitrators under construction of Sections 3 and 4, Regulation XXI. of 1803.

THERE appearing reason to believe that some of the civil courts consider themselves precluded by the terms of Sections 3 and 4, Regulation XXI. of 1803, from referring suits of the nature of those described in Section 2 of that enactment, to the arbitration of a single arbitrator, when the amount or value of the claim may exceed the sum of 200 rupees; I am directed to communicate to you the opinion of the Court that such was not the intention of those Sections, the civil courts being strictly enjoined in the latter section to endeavor in all cases to prevail upon parties to submit their cause to the arbitration of one person to be mutually agreed upon by them. The Court observe that where a reference to arbitration may be agreed to by the parties to a civil suit, the only difference that the Regulation in question makes between cases in which the amount or value of the claim may not exceed 200 rupees, and those in which it may be above that sum, is that while in the former the judge may, under certain circumstances, with the consent of the parties, appoint as arbitrator any of the individuals mentioned in Section 3; in the latter the parties are themselves to nominate the arbitrator, it not being competent to the judge to interfere in any way whatever, either directly or indirectly, as respects such nomination. You are requested to act upon this construction in future, and to communicate it for the information and guidance of the subordinate judicial functionaries of your district.

TO THE ZILLAH AND CITY JUDGES.

Western Provinces, 24*th August*, 1838.
Lower Provinces, 19*th October*, 1838.

No. 25.

Extending to moonsiffs the rule laid down regarding the mode of address in paragraph 2, of the circular orders of the 30th November 1832.

THE Court, having had under consideration the mode of address at present in use as regards official communications with the moonsiffs, are pleased, with the sanction of his Honor the Deputy Governor of Bengal to extend to those officers the rule laid down in paragraph 2 of the circular order of the 30th November 1832, and to direct that, in future, all official communications with them shall be made by roobukaree, instead of by perwannah and urzee, as has hitherto been the practice. You are requested to issue the necessary instructions for carrying these orders into effect in the district under your control.

TO THE COMMISSIONERS OF CIRCUIT, CIVIL AND SESSION JUDGES, MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, } 23*d November*, 1838.
Western Provinces, }

No. 26.

Public functionaries bound to receive charge of public property when the officer in custody of it is prevented from any circumstances from retaining charge.

I AM directed by the Court to transmit, for your information, the accompanying copy of a letter from the Officiating Secretary to the Right Hon'ble the Governor General in the judicial department, under date the 9th instant, to the address of the Register of the Western Court, and of its annexed extract of a despatch from the Hon'ble the Court of Directors on the subject of the custody of public property, and to request that you will carefully observe the instructions therein contained.

Copy of a Letter from the Officiating Secretary to the Governor General, N. W. Provinces, to the Register of the Sudder Dewanny and Nizamut Adawlut, Allahabad, dated 9th November, 1838.

I am directed by the Right Hon'ble the Governor General to transmit to you the annexed extract (paragraph 30) from a despatch from the Hon'ble the Court of Directors, dated 16th May, No. 31 of 1838, and to request that the Court will issue the necessary instructions in conformity thereto, to the several functionaries under their control, for their future information and guidance.

Extract from a Letter from the Hon'ble the Court of Directors, dated 16th May, No. 31 of 1838.

Para. 3. In reply to Court's observations on the expediency of having everywhere some functionary bound to receive charge of public property, when the officer in custody of it is prevented by any circumstances from retaining charge.

Para. 30. "You express an opinion that it must be considered the duty of every functionary, under Government, to take charge of public property, when required to do so. We trust that this opinion has been duly promulgated, for in the case which gave rise to our observations, all the officers at the station declined the responsibility of taking charge of certain public stores."

TO THE MAGISTRATES AND JOINT MAGISTRATES AND CIVIL AND SESSION JUDGES.

Lower Provinces, 23*d November*, 1838.

No. 27.

Proceedings addressed to certain officers in the Hazareebagh division to be written in the Oordoo language.

I AM directed to request that all proceedings addressed to the assistant to the Governor General's Agent stationed at Hazareebagh or Lohardugga, may be written in the Oordoo language.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, the 7th December, 1838.
Western Provinces, the 21st December, 1838.

No. 28.

Rules for the preparation of the monthly and annual civil statements, with new forms.

THE Court, having revised the circular orders, which relate to the preparation and submission of the periodical civil reports and statements, monthly and annual, and having consolidated those which they are of opinion should be retained, in the following rules, and made such additions thereto as have appeared to them requisite and proper, request that you will be strictly guided by the same for the future, and that you will issue the necessary instructions to the subordinate judicial functionaries of your district to ensure their due observance in the courts of those officers.

2. The annual civil statements for the current year will be submitted according to the new forms, and they will be regularly introduced from the 1st January next into all the courts under the control of the Court.

3. The Court request that none but lithographed forms may be made use of. A number of blank forms of each description of statement, sufficient for immediate use, is herewith forwarded, and you are requested, in future, to indent upon the Court, whenever you may require a fresh supply, taking care that your applications are made in sufficient time to admit of the statements reaching you before those last sent are entirely exhausted, so as to prevent delay in the submission of the statements of your court at the proper period or the necessity of having recourse to written statements.

4. As delay in the receipt of the periodical reports and statements is attended with much inconvenience, and indeed tends, in a great degree, to defeat the object for which they are required, your particular attention is requested to the early and regular transmission of the reports and statements of your office, which, if proper measures be adopted, might, the Court are of opinion, always be forwarded so as to admit of their being received, the monthly statements within ten, or at the farthest fifteen days from the date of their becoming due, and the annual ones on or before the 1st February of each year.

5. Periodical reports and statements are to be considered as due immediately on the close of the month or year to which they relate.

6. The Court take this occasion to enjoin great care and attention in the preparation of the several statements. They desire that you will carefully inspect those of the lower courts, with a view not only to their accuracy, but to ascertain, as far as they afford the means of judging, that the several officers, subordinate to you, have been assiduous and attentive to the duties committed to them. You will notice any irregularity that may be apparent on the face of the Statements and take immediate steps to correct the same, as far as may be within your competency under the regulations, calling for explanation

on any points that may require it. In submitting the statements to the Court, you will briefly explain under the head of remarks the nature of any orders which you may have issued to the lower courts, as well as notice any point or points which may appear to you to demand the orders or attention of the Court.

7. The submission of mere letters of form with the monthly statements being considered unnecessary, they are to be sent only when the judges may have occasion to offer any remarks, which cannot be made on the statements themselves. Circular Order, 7th December, 1832, No. 72.

8. In submitting the annual civil statements, the zillah and city judges will accompany them with a separate letter, containing any explanation relative to the facts exhibited in the statements, which may be too long to be included in the column of remarks, as well as any general observations which they may wish to make on the success of the present system, the efficiency of the establishment, and the conduct of the native judicial officers. Circular Order, 5th December, 1834, No. 124.

9. Considerable inconvenience having been experienced in preparing the annual reports, from the want of detailed information regarding the general character and qualifications of the native judges, arising, in some instances, from the district judges being absent from the station, and in others from their absence from the country at the period of the transmission of the annual statements, the zillah and city judges are required, in order to guard against this want of information, on delivering over charge of their offices, to record a minute, containing their opinion of the subordinate judicial officers (principal and other sudder ameens and moonsiffs) for the use of their successors, and eventually for the information of the Court and of Government. Circular Order, 12th August, 1836, No. 181.

10. The zillah and city judges are also required, under the resolution of Government, dated the 30th July 1836, to furnish annually to the Court a list containing the names of the three most zealous, capable, and trustworthy moonsiffs within their respective jurisdictions, entering their names, if possible, in the order of estimated merit, or inserting the names of those, whose claims to promotion are considered equal, in a bracket. This list will be given in the letter to accompany the annual statements.

11. There are many other matters peculiar to certain districts which may affect the returns, and which, though unknown to the Court, will be familiar to you; these should be duly noticed in your annual report.

12. The points to which your attention is more particularly requested are the following:

First. The number of decisions by each officer, and whether the monthly average is below that expected from each, and, if so, the reasons, and your opinion of their sufficiency or otherwise.

Second. The guality of the decisions, as may appear from the number of regular and special appeals preferred and the result of them.

Third. The number of cases instituted before the moonsiffs, whether the income before those officers is on the increase or decrease, and the prevalence of suits on one-fourth of the full stamp for arrears of rent, &c. in lieu of summary suits.

Fourth. The execution of decrees, before each officer, whether speedy and effective or the reverse; the number admitting of execution not executed, and the length of period since the date of decree or application for execution.

Fifth. The use of the provisions of Section 3, Regulation VI., 1832, what difficulties are experienced in availing yourself of this regulation, and why it is not more extensively restored to. To mahajunnee cases and generally in all cases involving accounts, the regulation would appear to be peculiarly applicable.

Sixth. The number of cases, regularly appealed, decided on the filing of the petition of appeal without requiring the attendance of the respondent. You will of course bear in mind that such decisions are to be reckoned as regular appeals, admitted and decided on their merits.

Seventh. The cases of old standing on the files; the progress made towards their decision; the circumstances which have principally operated to prevent their earlier determination; and when you hope to be able finally to dispose of them.

NUMBER AND DESCRIPTION OF STATEMENTS TO BE FURNISHED MONTHTY AND ANNUALLY.

Monthly Statements—number to be furnished—3.

DESCRIPTION.

No. 1. Abstract statement of regular suits. This statement is divided into 6 parts, 1 to 4 of which will be filled up monthly, and the other 2 annually.

Part 1. Shews the number of regular suits, original and in appeal, pending, instituted and disposed of before the several civil courts.

Part. 2. Is an abstract statement of the original and appealed causes pending, instituted and disposed of before each principal sudder ameen, sudder ameen, and moonsiff.

Part 3. Shews the years in which the original suits and appeals, pending at the close of the period to which the statement may relate, as exhibited in column 10 of part 1, were instituted.

Part 4. Contains a classification, according to their amount or value, of the original suits pending before the judge, principal sudder smeen, and sudder ameen.

No. 2. Abstract statement of all summary suits and miscellaneous business pending, instituted and disposed of before the judge and principal sudder ameen.

No. 3. Abstract statement of all miscellaneous business pending, instituted and disposed of before the sudder ameen and moonsiffs.

Annual Statements—number to be furnished—9.

DESCRIPTION.

No. 1. The same as the monthly statement, with the addition of parts 5 and 6.

Part 5. Contains a memorandum of the amount or value in Company's Rupees, without fractions, of appeals and original suits pending at the close of the year.

Part 6. Shews the number of regular suits instituted during the year to set aside summary decisions; and the number of cases which the moonsiffs were precluded from receiving in consequence of the claim being advanced *in formâ pauperis*.

No. 2. The same as the monthly statement.

No. 3. The same as the monthly statement.

No. 4. Detailed statement of the different descriptions of original suits, instituted before the judge and moonsiffs during the year.

No. 5. Statement of cases decided exparte, on trial, &c. &c.

No. 6. Statement of appeals from the decisions of the lower courts, shewing the number confirmed, reversed, &c.

No. 7. Statement of civil suits tried and decided under Regulation VI. of 1832.

No. 8. Abstract numerical statement of applications for the execution of decrees pending, instituted and disposed of before the judge and subordinate courts.

No. 9. Report of the result of the enquiry made in the month of December, 18— as to the sufficiency of the security furnished by the ministerial officers of the court entrusted with the charge of public money.

RULES FOR THE PREPARATION OF THE STATEMENTS.*

Statement No. 1, Monthly and Annual.

Part 1, Column 2. Care to be taken that this column corresponds throughout, as regards both the number and description of cases entered in it, with column 19 of the statement for the preceding month or year.

Column 3. The number of cases newly instituted before the judge and moonsiffs to be entered in this column.

A suit re-instituted after being dismissed on default, or a second suit brought after the claim, as originally preferred, had been non-suited, to be looked upon as a newly instituted suit, and entered accordingly.

The principal and other sudder ameens not being competent to entertain suits, this column in the statement for those officers' courts will, of course, be blank.

Column 4. All cases received by transfer from any court whatever, whether in the same, or any other district, including the collector; cases admitted after the necessary authority has been obtained for a review of judgment, as well as cases brought again on the file by order of a superior court either for further investigation, or to be tried *de novo*, are to be entered in this column.

In the preparation of columns 4 and 6, great care is necessary to preserve, as far as may be practicable, a general coincidence between them; any transfer

* See the Circular of the 16th August, 1839, paragraphs 3 and 4, for the manner in which all additions to, and alterations in, this Circular are to be made.

from one tribunal to another under the same judgeship will not disturb this agreement as regards the grand totals of the two columns in question, but discrepancies may arise between them under the following circumstances, a detailed explanation of which should be given in the column of remarks under the heading (B) appropriated for that purpose.

1stly. When a case is re-admitted on the file for a review of judgment.

2ndly. When a case is received from a superior by an inferior court for further investigation, or to be tried *de novo*.

3rdly. When a case is received by transfer from a court beyond the judgeship, including the collector, under Section 15, Regulation VIII. 1831.

4thly. When a case is transferred to a court beyond the judgeship, including the collector under Section 14, Regulation VIII. of 1831.

[5thly. When a case is re-admitted on the file consequent on a summary appeal under Section 3, Regulation XXVI. of 1814, and Act XXII. of 1838.*]

* The 5th instance, enclosed within brackets, has been added in conformity to the Circular of the 16th August 1839.

In the first three instances [as well as in the 5th] there will be entries in column 4 without corresponding entries in column 6; while in the 4th the reverse will be the case. With regard to cases sent back for re-trial, they should come direct from column 9 of the statement for the court remanding them, to column 4 of the statement for the court to which they may have been sent, without passing through column 6, and will be entered by the latter court in the statement for the month in which they were received, without reference to the date of the order sending them back. *The same rule will apply to a case, which a principal sudder ameen may, in appeal, judge it proper to remand* FOR FURTHER INVESTIGATION* *to the sudder ameen, or moonsiff, by whom the original decision was passed.* On the receipt of the proceedings in cases sent back for re-trial, the courts should carefully attend to the rules laid down in the Circular Order, No. 19, of the 3d *(a)* August 1838, for procuring the attendance of the parties either in person or by vakeel.

* The Circular of the 14th June 1839, directs that the principal sudder ameen shall apply for the sanction of the judge before remanding a suit FOR RE-TRIAL, but permits him to order the lower courts "to make any further investigation which he may consider requisite, with a view to his deciding the suit himself." But the rules given in the text, regarding the entries of such cases, are not affected.

Cases transferred from one court to another under the same judgeship will be entered simultaneously in columns 4 and 6, and will also be included in the memorandum (B) in the column of remarks with corresponding letters.

Column 5. Is the total of columns 2, 3, and 4, and requires no remark.

Column 6. The remarks on column 4 are equally applicable to this column.

Column 7. Shews the number of cases remaining for trial after deducting from the totals of column 5, the number of cases transferred to other courts, as given in column 6.

(a) Issued by the Presidency Court under date the 31st August. See page 17 of this volume.

Column 8. Cases decreed on a trial of the merits in favor of either the plaintiff or appellant, will be entered in this column.

Column 9. Cases remanded for re-trial, are to be considered as decisions in favor of the appellant, and entered in this column, from which, as already noticed, they will go direct to column 4 of the statement for the court to which they may have been sent, without passing through column 6.

Column 10. Is the total of columns 8 and 9.

Column 11. Cases decided on a trial of the merits in favor of the defendant, or, as regards appeals, in which the decision of the lower court may be confirmed after summoning the respondent, will be entered in this column under their proper headings.

Columns 12 and 13. Appealed cases, in which the decision of the lower court may be confirmed by the judge without summoning the respondent, under Clause 3, Section 16, Regulation V. of 1831, and Section 2, Regulation IX. of 1831, extended to the courts of the zillah and city judges by Act VII. of 1838, on a perusal only of the petition of appeal, or of the petition of appeal and such parts of the record as may appear necessary, will be entered, the former in column 12, and the latter in column 13. This supersedes that part of the Circular Order* of the 8th June, 1838, which directs that a note of the number of cases in which the decision of the lower court may be confirmed in appeal, under the enactments above cited, should be given in the column of remarks in statement No. 1.

Column 14. Is the total of columns 11, 12, and 13.

Column 15. Is the total of columns 10 and 14, or columns 8, 9, 11, 12 and 13.

Column 16. All cases dismissed on default will be entered in this column.

Column 17. Is intended for cases adjusted or withdrawn; in preparing the column the following rules contained in the Circular Order of the 20th July† 1838, No. 10, should be carefully attended to.

Cases decided on iqbal-dawee, or soolehnamah, whereby the whole or a part of the claim is adjudged to the plaintiff, and a decretal order passed on which execution can be sued out, should be entered under the head of "decided on trial."

Cases, in which a bazdawee may be filed by the plaintiff, whether the defendant consents to forego his right to recover costs or not, as well as cases in which a razeenameh or soolehnameh may be given in, whatever may be its tenor or import, in regard to the arrangements which the parties may have made, or may agree to make amongst

* This Circular, which was issued by the Presidency Court under date the 6th July, is not printed, as the whole of the information which it called for, is included in the new form of the civil Statement, No. 1, since prescribed.

† Issued by the Presidency Court under date the 3d August. See page 10 of this volume.

themselves, provided the application to the court is not such as to require a decretal order to pass, on which execution can be taken out, should be entered under the head of "adjusted or withdrawn."

Column 18. Is the aggregate of columns 15, 16, and 17.

Column 19. Gives the number of cases pending at the end of the year, which is found by deducting from the number entered in column 7, the totals of column 18.

The note in the margin (A) relating to suits referred to the collector for report under Section 30, Regulation II. of 1819, is intended to apply to this column, and to shew the number of such cases included in the total of cases pending at the end of the month or year before the judge and principal sudder ameen. When any cases referred to the collector for report under the enactment above cited, may have remained with that officer for a longer period than six months, an explanation should be called for of the cause of delay, and in submitting a copy of the same for the information of the Court, the judge will accompany it with any remarks that may occur to him with reference to the reasons assigned.

Suits under Section 30, Regulation II. 1819, referred to a principal sudder ameen under Section 3, Act XXV. of 1837, will be sent as heretofore to the collector of the district for investigation and report: the collector, on closing his proceedings, will transmit them under Clause 6, Section 30, Regulation II. 1819, to the principal sudder ameen for decision. Circular Order, No. 4, 23d February 1838, para. 3.

Judge's Court—Heading No. 2.

Care should be taken when more than one individual has held the office of judge during the month or year, that the name of each individual and the number of suits disposed of by him should be distinctly specified. Circular Order, 28th October 1836, No. 188, vol. 2.

Whenever a judge may retain any original suits on his own file he will furnish a brief explanation, at the foot of the statement, of the nature of such cases and of the causes of his reserving them for trial by himself; and with regard to any cases which he may be precluded from making over to the principal sudder ameen in consequence of that officer or his relatives or dependants being a party concerned, he will lose no time in applying to the Court of Sudder Dewanny Adawlut, under the provisions of Act XXVII. of 1838, for authority to transfer the cognizance of the same to some other zillah, mentioning the district to which, with reference to the residence of the parties and other circumstances, they can be most conveniently made over. Circular Order, No. 4, 23d February, 1838.

Headings Nos. 3, 4, and 5.

The Circular Orders of the 6th February 1835, explain the course of proceeding to be observed by the zillah and city judges in receiving petitions of appeal from the subordinate tribunals, and in revising such petitions under Section 16, Regulation V. of 1831, and Section 2, Regulation IX. of 1831, extended to the zillah and city judges by Act VII. Circular Order, 6th February 1835, No. 130, and 28th September 1838, No. 20.

of 1838, and provide that any person, dissatisfied with the decision of a moonsiff, sudder ameen, or principal sudder ameen, passed in an original suit, being at liberty under the existing Regulations to appeal from such decision as a matter of right, all such petitions of appeal shall be immediately examined by the serishtadar, or other head native officer of the judge's court, and provided they be written on stampt paper of the proper value, and presented to the court within the period prescribed by the Regulations, they shall be filed and numbered in the regular register books of the court, or in other words admitted.

Circular Order, 24th August 1832, No. 60.

As no costs can be incurred by the respondent until he be summoned to answer to the petition of appeal, security for costs need not be demanded from the appellant before the respondent is called upon to answer.

The only exceptions to this rule are cases in which any deviation may be observable from the established practice of the nature above stated, and which are required by the same paragraph to be brought to the special notice of the judge, who is to pass such orders thereon as he may think proper.

Where, therefore, the petition of appeal may be in all respects regular and proper, the serishtadar, or other head native officer, should immediately certify to that effect under his signature on the back of it, and an order, at the same time, be passed directing the original record of the case, or misl, to be placed with the petition of appeal, to enable the judge, when hearing the latter, under the rule laid down in Clause 2, Section 2, Regulation IX. of 1831, extended to the courts of the zillah and city judges by Act VII. of 1838, to refer to any part of the proceedings that he may consider necessary with a view to satisfy himself of the correctness or otherwise of the judgment appealed from. In such cases there can be no reason why, under ordinary circumstances, the examination of the papers by the serishtadar should not be made, and the order directing the original misl or record to be placed therewith, passed, on the same day as that on which the petition of appeal may be presented, or at the farthest on the next civil court day.

The judge, as soon as practicable, and as provided in Clause 2, Section 2, Regulation IX. of 1831, without reference to the order of the file, should then proceed in the presence of the appellant, or his vakeel, to revise the petition of appeal and such parts of the record as he may deem necessary, and if, upon a full consideration thereof, he should see no reason to impugn the correctness or justness of the decision appealed from, he should confirm the same, and forthwith communicate the order of confirmation, as directed in Clause 3, Section 16, Regulation V. of 1831, through the court, from whose judgment the appeal was made, to the opposite party, with a view to enable such party to take immediate measures for the execution of the decree.

The zillah and city judges are expected, as far as may be practicable and consistent with their other duties, to revise all appeals from the decisions of the sudder ameens and moonsiffs, or to retain a certain portion of the decisions passed by each officer on their own

files, with a view to maintain a proper check over their proceedings. They should strictly abstain from making over any appeals to the principal sudder ameen without previously obtaining the sanction of the Sudder Dewanny Adawlut to such transfer. Whenever, however, the state of their files may be so heavy as to render it impracticable for them to dispose of the appeals pending before them with reasonable despatch, they should lose no time in applying to the Court, agreeably to Clause 2, Section 16, Regulation V. 1831, for authority to refer a specified number of the appeals from the sudder ameen and moonsiffs to the principal sudder ameen.

In submitting such applications the judge will accompany the same with a statement in the following form, and when he may have retained any original suits on his own file, he will state his reasons for so doing, instead of making them over, according to their amount or value, to the subordinate judicial functionaries of his district.

Circular Order, 19th Oct. 1832, No. 65.

Before the Judge.

	Number.
Original suits, ...	
Appeals from the decisions of collectors and principal sudder ameens, ...	
Appeals from the decisions of the sudder ameen, ...	
Appeals from the decisions of moonsiffs, ...	
Miscellaneous cases, ...	
Total,...	

Before (name) Principal Sudder Ameen.

[*If there be more than one the state of the file of each must be given separately.*]

Original suits exceeding in value 1,000 rupees, ...	
Original suits not exceeding 1,000 rupees (with a brief statement of the reasons of their not being referred to the lower courts,)	
Appeals from the decisions of the sudder ameen,.....	
Appeals from the decisions of moonsiffs, ...	
Miscellaneous cases, ...	
Total,...	

It is not considered by the Court indispensable that the zillah and city judge should, in every case, peruse the record of the original suit and the petition of appeal, or in any way revise the proceedings previous to the transfer of the case to the principal sudder ameen, whose judgment will be, of course, open to a special appeal to the judge, provided there shall appear sufficient reason for such a proceeding under the rules of Section 2, Regulation XXVI. 1814, and other provisions applicable to the admission of special appeals.

Circular Order, 6th February 1835, No. 130.

Circular Order, 8th June 1838, [not printed. See note in a preceding page.]

A note will, however, be given in the column of remarks, distinguishing the number of appeals made over to the principal sudder ameen after a perusal by the judge of the record of the original suit, from the number transferred without such perusal.

Circular Order, 12th February 1836, No. 167.

An instance of very great neglect on the part of a civil and session judge having been brought to the particular notice of the Hon'ble the Court of Directors, and the Hon'ble Court having in consequence expressed a desire that the number of days in which the zillah judges have actually sat in court, should be included in the periodical returns, a memorandum (D.) is required to be given in the column of remarks, specifying the number of days the judge sat in the civil and the number in the criminal court, as well as the number of days that the court was closed on account of holidays or from any other cause during the month or year. When a judge may have sat in both the civil and criminal courts on the same day, the entry will be made under the heading for the court in which the greater part of the day may have been passed, and a note of the number of days so occupied given at the foot of the memorandum.

Principal Sudder Ameen's Court—Heading No. 1.

In entering the original suits referred to the principal sudder ameen, it will not be necessary to distinguish the cases in which the amount or value of the claim may not exceed the sum of 1000 rupees from those above that sum; the classification of suits given in part 4 of the statement is sufficient for all purposes of information.

Sudder Ameen's Court—Heading No. 6.

The same remark applies to cases referred to the sudder ameen in which the amount or value of the claim may not exceed the sum of 300 rupees.

In disposing of cases cognizable from their amount or value by a court of inferior jurisdiction, the principal sudder ameens and sudder ameen should pay particular attention to the rules laid down in sections 5 and 7, Act XXV. of 1837.

Moonsiff's Court.

Circular Order, 12th February 1836, No. 168.

Doubts having been entertained whether, under the provisions of section 7, Regulation V. of 1831, a zillah or city judge can, of his own authority, transfer cases from the file of the moonsiff, by whom they may be properly cognizable, to that of another officer of the same or a superior grade, the Court have determined that he is competent to make such transfer, whenever he may see good and sufficient reason for so doing. To enable the Court, however, to maintain an efficient check on the proceedings of the subordinate courts in this respect, the zillah and city judges are required, whenever they may deem it proper to transfer any number of cases exceeding 15, from the file of one officer to another, immediately to report the same for the information of the Court. All such transfers should, of course, be duly entered in the column of remarks in statement No. 1, Part 1, in the memorandum marked B.

The monthly statement of civil suits tried and decided under the provisions of Regulation VI. of 1832, required by the Circular Orders of 16th November 1832,* No. 70, is dispensed with. It will be sufficient that the number of cases so decided be given in future in note E, without specifying in which of the modes, prescribed in the enactment in question, they were tried. The annual statement, as will be noticed presently, will be continued as heretofore.

Part 2. The judges will invariably insert in their monthly civil statements the names of the persons who stand permanently appointed to the offices of principal sudder ameen, sudder ameen, or moonsiff. If that person be absent or under suspension, and a *locum tenens* be appointed, the name of the latter will also be given; and where more than one have done duty in the month, the number of suits disposed of by each will be separately entered in the columns of statement No. 1.

Circular Orde, 6thr November 1835, No. 156.

The rules to be observed in filling up columns 2 to 19 of this part of statement No. 1 have already been fully explained in the remarks on Part 1. It is only necessary to add that although there may be only one principal sudder ameen or sudder ameen employed in a district, the number of cases pending, instituted, and disposed of before those officers respectively, should still be entered in this abstract under the proper head.

* Zillah and city judges,..... 20 suits.
Principal sudder ameens having on their files only original suits, ... 20 suits.
Having on their files original suits and appeals, ... 25 suits.
Sudder ameens, ... 20 suits.
Moonsiffs ..... 25 suits.

Column 20. The judges and other judicial authorities, whenever they may severally fail to decide on their merits in any month, the number of cases specified in the margin*, are required to furnish explanations, which will be inserted in this column, of the causes which operated to prevent their deciding that number.

Circular Order, 21st Sept. 1832, No. 63. Circular Order, 25th Jan. 1833, No. 78.

It is the duty of the superintending authorities to see that these explanations are inserted in the monthly civil statements, and to add distinctly their own opinion in each individual case, after due enquiry, as to the sufficiency or otherwise of the reasons assigned, as well as to warn and admonish the subordinate authorities in cases of neglect and inattention, and to bring to the notice of the Court any instances in which their admonitions have not the effect of inducing greater diligence and attention.

When any officer may assign absence or sickness as the cause of his decisions having fallen short of the prescribed number, he should invariably report the number of days he was unable to hold court from either of those causes; and when the duties of the sessions may prevent a judge from deciding the number of civil suits required from him, the number of criminal cases tried and the number of days occupied in their decision, should be stated.

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* Issued by the Presidency Court under date the 18th January 1833.

Circular Order, 6th Nov. 1835, No. 158.

When the subordinate judicial functionaries may plead, as the cause of their not having decided the prescribed number of regular suits on a trial of the merits, that no more were ready for hearing, it is expected that as they must have been able to devote a more than ordinary degree of time to the miscellaneous department, the deficiency in regular suits will be fully counterbalanced by the larger number of decisions passed on miscellaneous cases; and where this may not be the case, the excuse should not be admitted.

Part 3. The column, preceding the total column of this part of the statement, should be appropriated to the cases, original and appealed, instituted during the current year, and care should be taken that the number of cases entered in the total column agrees with that given in column 19 of Part 1.

Heading "State of the files at the end of the year."

The entries under this heading should correspond throughout with the grand total of the statement for the preceding month or year; and by comparing them with the grand total of the statement for the current month or year, the progress made during the latter period, in the decision of cases of long standing, will at once be seen.

Circular Order, 7th July 1837, No. 741.

Cases remanded for further investigation, or to be tried *de novo*, are to be entered according to the years of their original institution, and not under those, in which they were sent back. The date of the order remanding such cases, as well as that on which they reached the court to which they may have been remanded, should be given in the column of remarks, together with a brief report of the measures adopted since their return to get them ready for hearing. An explanation is also to be given in the same column of the causes of delay in disposing of any cases which may have been pending, at the close of the month or year to which the statement may relate, for a longer period than a twelve-month.

Parts 4 and 5. The headings of these parts of the statements sufficiently denote the nature of the information which they are intended to convey, and render further instructions unnecessary.

Part 6. The information to be given in this part of statement No. 1, which is to be furnished annually, is required by the Government resolution of the 19th May 1825, and circular orders of the 27th September 1825, No. 84. With regard to the latter description of cases, it should be borne in mind that although the moonsiffs are prohibited from entertaining suits in which the claim may be advanced *in formâ pauperis*, the zillah and city judges are fully competent, under the provisions of Clause 5, Section 5, Regulation V. of 1831, after admitting the party to sue as a pauper, to refer such suits, according to their value or amount, for trial and decision to the principal sudder ameen, sudder ameens, and moonsiffs subordinate to them, under the same rules as apply to other cases.

Statement No. 2.

The principal sudder ameens being empowered, under the provisions of Section 8, Act XXV. of 1837, to hear any civil proceedings, whether miscellaneous or summary, which may be referred to them by the judge with the sanction of the Court of Sudder Dewanny Adawlut, and to dispose of the same according to the rules prescribed in the Regulations for the guidance of the zillah and city judges in the like cases, the miscellaneous statement for those officers' courts has been separated from statement No. 3 and incorporated with the judge's statement No. 2. Cases transferred to the principal sudder ameens under the circumstances above mentioned will be entered in column 6 of the statement for the judge's court, and in column 14 or 24, as the case may be, of that for the court of the principal sudder ameen.

Heading No. 1.

Petitions for a review of judgment under Clause 2, Section 4, Regulation XXVI. of 1814, are to be entered as disposed of whenever an order is passed rejecting the prayer of the petition for a review, or for forwarding it for the sanction of the Court of Sudder Dewanny Adawlut. In the submission of such applications to the Court, the rules laid down in the clause above cited, and in the circular orders of the 27th November 1835, No. 160, as regards the papers and nature of the information required to accompany them, should be carefully attended to.

Heading No. 2.

Petitions for special appeal are to be entered as disposed of when an order has been passed for admitting or rejecting the special appeal. In the former case the appeal will at once be brought on the judge's regular file under its proper head; and in the event of the appellant failing to fulfil the prescribed conditions within the period allowed him, or to assign satisfactory cause of delay, the judge should proceed as in other cases of default.

Heading No. 3.

Petitions for summary appeal under Clause 4, Section 3, Regulation XXVI. of 1814, and Act XXII. of 1838, will be entered as disposed of when a final order is passed, either confirming the order of dismissal, or directing the re-admission of the suit.

Heading No. 4.

Petitions coming under this head are to be entered as disposed of when a final order is passed either confirming or reversing the order appealed from.

Heading No. 5.

Petitions under this head are to be entered as disposed of when a final order is passed.

Heading No. 6.

Petitions under this head are to be entered as disposed of when an order is passed for admitting or rejecting the prayer of the petition to sue or appeal *in formâ pauperis.* In original suits where the party may be admitted to sue as a pauper, under the provisions of Clause 1, Section 6, Regulation XXVIII. of 1814, the case, though struck off the miscellaneous file as having been disposed of in that department, should not be brought on the regular file until the suit has been formally instituted, in the usual manner, under the permission granted. With respect to appeals, the appellant being required, under Clause 2, Section 12, of the same Regulation, to accompany his application with a statement of the specific grounds on which he may desire to prefer an appeal, in the event of the judge on a full consideration of those grounds admitting him to appeal as a pauper, the case should at once be brought on the judge's regular file under its proper head, and if the appellant fail to fulfil the prescribed conditions, within the period allowed him, or to assign satisfactory cause of delay, the judge should proceed as in other cases of default.

Heading No. 7.

Petitions under this head are to be entered as disposed of when a final order is passed either admitting or rejecting the prayer of the insolvent.

Heading No. 8.

Circular Order, 22d July 1813, No. 37.

Petitions of mortgagees to foreclose a mortgage with a conditional sale, are to be entered as disposed of on the nazir making his return, that the notice prescribed in Section 8, Regulation XVII. of 1806, has been duly served on the mortgager: the duty of the zillah and city judges, under the section above quoted, being, so far as the purchaser is concerned, purely ministerial, such petitions will ordinarily admit of being disposed of after a very short interval.

In the event of the mortgager presenting a petition subsequently to the issue of the notice and after the application of the mortgagee has been struck off the file, under the rule contained in the preceding paragraph, such petition will also be entered under this head as a new matter, and the case considered as disposed of when a final order is passed and the papers are placed in the office.

A mortgager having, of his own accord, deposited a sum of money in court and applied to redeem a mortgage, the case is to be considered as disposed of when the mortgagee may appear and take the money, or the mortgager be directed to institute a regular suit.

Heading No. 9.

Petitions under this head are to be considered as disposed of on the receipt of the Court's orders confirming the judge's nomination of a guardian. The number and date of

the zillah judge's letter to the Court, containing such nomination, will be inserted in the column of remarks opposite to this heading, and continued monthly until the receipt of the Court's orders.

Heading No. 10.

Applications for the execution of decrees are to be considered as disposed of when the decree has been completely executed, or the case ordered to be struck off the file and placed in the record office in consequence of the failure of the decreeholder to take proper measures for the enforcement of the award passed in his favor.

The practice of keeping on the file cases, in which the decreeholder has neglected to proceed in the execution of his decree, or in which his endeavours to point out property liable for the satisfaction of his award have proved fruitless, is inconvenient and unnecessary. Whenever the decreeholder fails for a period of six weeks to carry on the execution of his decree, or when the whole of the property pointed out by him has been either sold and the proceeds paid to the party entitled to receive the same, or released from attachment in consequence of other claimants proving their right thereto, the case should be struck off the file. In the event of a fresh application being made by the decreeholder, the case will again be brought on the file as a new or revived case of execution, and will bear the date of its re-admission, and not of its original institution, the length of time it may remain on the file being calculated accordingly.

Circular Order, 12th Dec. 1834, No. 127. Circular Order, 11th Dec. 1835, No. 163.

Applications for the recovery of costs by defendants, where the same may have been awarded to them in the decree, as well as applications for the enforcement of awards made by punchayets under Regulation VI. of 1813, will also be entered under this head and will be governed by the same rules as those above laid down.

Headings Nos. 11 *and* 12.

Inconvenience has been found to result from the practice, which obtains in some districts, of forming into one case all objections which may be preferred by different parties to the sale or transfer of property, in execution of decrees of court. To obviate this, it has been ordered that every petition containing objections of the above nature should constitute a separate misl, or case, and any documentary or oral evidence adduced in support or refutation thereof, together with the decreeholder's answer, should be carefully filed with such petition, and kept distinct from all other cases involving claims to the same property, each misl being endorsed as in the margin.* In like manner when an appeal may be preferred from orders passed in regard to such objections, only the proceedings in the particular case to which the appeal may relate, should be forwarded to the appellate court, unless otherwise directed, with copies of the decree, of the decreeholder's application suing out execution of the same, and of the nazir's report relative to the attachment of the property and the issue of the prescribed notices. It will still

Circular Order, 14th Oct. 1836, No. 187.

* No. 1, Ram Sing Oozurdar connected with case No. 21, execution of decree in case No. 351, Sheechurn, plaintiff, (or appellant) versus Kusinauth, defendant, (or respondent.)

however, be proper that all papers relating to the execution of the same decree should be kept in one bundle with the proceedings in the case to which the decree has reference, a list being annexed thereto of the number of objections preferred in the course of its execution, with distinguishing marks corresponding with the endorsements above prescribed.

Cases of resistance of process should also be kept separate in the same manner; the report of the resistance forming the commencement of each misl or case.

Cases of the description of those mentioned in the two preceding paragraphs will be entered, the former under heading No. 11, and the latter under heading No. 12, of the statement, instead of in the column of remarks, as required by the circular order above quoted.

Heading No. 13.

Precepts and proceedings from the Sudder Dewanny Adawlut are to be considered as disposed of when the Court's orders have been carried into execution, so far as was in the power of the lower court, and a return made to that effect; orders such as "shamil misl" are not to be reckoned as disposals, unless the case is one requiring no answer or any further order.

Circular Order, 4th Dec. 1835, No. 162.

A case involving the execution of a decree passed by the Court of Sudder Dewanny Adawlut, having been referred in the usual course for execution to the judge of the zillah or city in which the cause of action arose, and having after due notice served on the decreeholder either in person or by vakeel, been dismissed on default in consequence of the neglect of the party to proceed in the matter, within the period allowed, the zillah or city judge is not competent of his own authority to re-admit the case, or to restore it to the file of his court.

But whenever after the service of notice as above required, and which should be invariably and carefully attended to, a zillah or city judge may find it necessary to dismiss a case of this nature on default, his proper course of proceeding is immediately to return to the Court the precept issued to him in the matter, certifying the execution of it, as far as lay in his power, as well as what he may have done in pursuance of the Court's orders; and if the decreeholder should, at any future period, renew his application for the enforcement of the award, he should be referred to the Court, by whom the decree was passed, and who alone are competent under such circumstances to comply with the prayer of the petition, and to direct the re-admission of the suit on the file of the lower court.

Precepts and proceedings remaining undisposed of from the late courts of appeal will also be entered under heading No. 13, and the rule as above laid down, in regard to the disposal of precepts and proceedings of the Sudder Dewanny Adawlut, will be considered equally applicable to such cases, as well as to the precepts and proceedings from the commissioners acting under Regulation III. of 1828.

Heading No. 17.

Applications under Clause 1, Section 2, Regulation II. of 1814, of persons to deposit hidden treasure in court under Regulation V. of 1817, and of claimants to "lawaris" property, or to the property of persons dying intestate, will be entered under heading No. 17. As a general rule of guidance in the preparation of this heading, no cases should be entered under it which have been included under any other heading of the statement. With regard to applications under Clause 1, Section 2, Regulation II. of 1814, the zillah and city judges are required by the circular orders of the 6th August 1830, No. 21, whenever they may have transmitted a petition of complaint preferred in their court against a collector of land revenue or customs, a commercial resident, salt or opium agent, or other person amenable, for acts connected with his official duties, to the board of revenue, or other superintending boards, as required by the clause above mentioned, and the period of six weeks shall have elapsed without their having received from the superintending board a final reply to their communication, to report the circumstances of the case to the Court to enable them to bring the same to the notice of Government.

In the column of remarks an explanation will be furnished of the cause of delay in disposing of any cases which may have been depending for a longer period than a year; this need not, however, be repeated in the annual statement, as the statement for the month of December will contain the necessary information on the point; and it will be sufficient in the annual statement to specify, under the head of remarks, the years in which the total number of pending cases were filed or instituted, as in the margin.*

Circular Order, 28th October 1836, No. 188.

* Execution of Decrees.
4 of 1836.
3 of 1837.
8 of 1838.
15

In the annual statement, under the head of remarks, an analysis of the cases entered under heading No. 17, should be given, shewing briefly the different descriptions of cases included under that heading.

Statement No. 3—*Monthly and Annual.*

The remarks and observations on statement No. 2, are equally applicable to the preparation of this statement so far as the headings in the two statements correspond.

Statement No. 4—*Annual.*

This statement, shewing the different descriptions of original suits instituted before the zillah and city judges and moonsiffs, was introduced under the circular orders of the 29th December 1837, No. 220.* The notes given at the foot of the statement sufficiently explain the rules to be observed in the preparation of it.

Statement No. 5—*Annual.*

This statement is required by the orders of Government dated the 27th October and circulated by the Court on the 5th December 1834.† Care should be taken that column 1

* Issued by the Presidency Court under date the 15th December.

† This circular was issued by the Western Court, but not printed.

corresponds with column 7, Parts 1 and 2 of statement No. 1 for the moonsiffs' courts, and that columns 2, 3, 4, 6, and 7, or columns 5, 6, 7 correspond with column 18 of both the parts of the statement abovementioned. The rules to be observed in regard to the entry of cases decided on "iqbal dawee," or a confession of judgment, have already been explained in the remarks on column 17 of statement No. 1, Part 1.

Statement No. 6—Annual.

Difficulty having been experienced in preparing the statement of appeals from the decisions of the lower courts, prescribed by the circular orders of the 8th December 1837 No. 2,* this statement has been substituted for it. A note will still, however, be given in the column of remarks, shewing as regards the special appeals disposed of during the year from the decisions of each sudder ameen and moonsiff, the number in which the judge concurred with the principal sudder ameen in confirming or modifying the original decree, and the number in which, differing in opinion with that officer, he reversed his decision and upheld or modified that of the lower court. With this information before them the zillah and city judges will be able to estimate the comparative merits and qualifications of the several subordinate judicial functionaries of their respective districts, so far as an opinion can be formed from the result of the appeals, whether regular or special, from their decisions.

Statement No. 7—Annual.

The monthly statement of cases tried and decided under the provisions of Regulation VI. of 1832, has been dispensed with. The headings of the annual statement, which corresponds with the form prescribed by the circular orders of the 16th November 1832,† No. 70, sufficiently indicate the nature of the information which it is intended to convey, and the manner in which it is to be prepared.

Statement No. 8—Annual.

The statement of applications for the execution of decrees required by the circular orders of the 31st July 1835, No. 152, has been slightly modified, columns having been added to shew the number of cases re-admitted after having been struck off the file, as well as to distinguish the number of cases disposed of, in which the decree may have been completely or only partially executed, and those in which no part of the decree may have been carried into effect. Care should be taken that the total of columns 18 to 22 correspond with the total of columns 12 to 16, and that all applications received during the year to which the statement may relate, and which may be still pending at the end of it, are entered in column 17.

Circular Order, 12th Dec. 1834, No. 127.

In the remarks on heading No. 10 of statement No. 2, it has been explained that applications for the execution of decrees are to be considered as disposed of when the decree has been completely executed, or the case ordered to be struck off the file and

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* See page 5 of this volume.

† Issued by the Presidency Court under date the 18th January 1833.

placed in the record office in consequence of the failure of the decreeholder to take proper measures for the enforcement of the award passed in his favor.

In the same paragraph the inconvenience of the practice of keeping on the file cases in which the decreeholder may have neglected to proceed in the execution of his decree, or in which his endeavours to point out property liable for the satisfaction thereof have proved fruitless, is pointed out, and it is provided that whenever the decreeholder may fail for a period of six weeks to carry on the execution of his decree, or when the whole of the property indicated by him has been either sold and the proceeds paid to the party entitled to receive the same, or released from attachment in consequence of other claimants proving their right thereto, the case is to be struck off the file, and in the event of a fresh application being made by the decreeholder the case is again to be brought on the file as a new or revived case of execution, though, under such circumstances, it will bear the date of its re-admission and not of its original institution, and the length of time it may remain on the file will be calculated accordingly.

Circular Order, 11th Dec. 1835, No. 163.

It only remains to be added that in pursuance of the orders contained in the 6th paragraph of the letter from the secretary to Government in the judicial department under date 21st July 1834, which was circulated for general information on the 12th December of that year, a quarterly statement of unanswered requisitions made to the collector relating to the execution of decrees, is to be forwarded in the form noted in the margin,* to the commissioner of the division to whose authority the collector may be subject, and in the event of any great delay subsequently taking place without any sufficient cause being assigned for it, the same is to be brought by the judge specially to the notice of the Court.

Circular Order, 12th Dec. 1834, No. 127.

The zillah and city judges are also required to report any instances of great delay which may occur on the part of other courts called upon to assist in the execution of their decrees, as well as on the part of the principal sudder ameens, sudder ameens, and moonsiffs, in executing decrees of their own or other courts, when the admonition or orders of the zillah or city judges enjoining greater diligence and attention to this part of their duty, may prove ineffectual.

Quarterly Report of Requisitions to Collector of ——— by the Civil Courts of ———
relating to execution of decrees remaining incomplete on the ——— of ——— 184 .

Names of Parties.	Date of Reference.	Substance of Requisition.	Reasons assigned by Collector for non-execution.	Judge's opinion of those reasons.
A Plaintiff versus B Defendant.	10th January 1833.	To put Plaintiff in possession of 100 beegahs of land in Mouzah Rammaghur, Perguunah Rampoor.		
C Plaintiff versus D Defendant.	10th January 1834.	To sell Defendant's land in Mouzah Alumpoor, Perguunah Alumpoor, 111 beegahs, 10 Biswas.		

Statement No. 9—Annual.

"Para 36. We think it would be proper for you to require after short intervals a periodical revision of the efficiency of the securities of officers, to whom charge of money is entrusted under any sort of public guarantee, director implied."

Under the orders of Government the annexed extract, paragraph 36, of a letter from the Hon'ble the Court of Directors, dated the 3d February 1831, relative to the periodical revision of the securities of native officers entrusted with public money was circulated for general information on the 23d of September of that year.

The Court at the same time observed, that security should be taken from treasurers, nazirs, and other officers, who, in the discharge of their official duties, might have charge of money or property, whether public or belonging to private individuals, and that the sureties should bind themselves and heirs to make good all losses sustained by the default or fraud of the officer for whom they were bound. With regard to the amount of property to be pledged by the surety and entered in the schedule at the foot of the bond, the Court observed, that it must be regulated according to the circumstances of each case, or the amount or value of the money or property likely to be left in the hands of the officers from whom the security was required, and that the surety should bind himself not to sell, or in other manner alienate the property in question until relieved from his responsibility.

The several judicial authorities were required in taking security to follow the principle above laid down and to be particularly careful to ascertain the sufficiency of the security. They were also directed to cause the efficiency of the security of the officers on their establishment to be carefully revised during the last week of December of each year, and to report the result of the revision according to the form which accompanied the Court's circular (vide annexed statement No. 9.)

The attention of the several judicial authorities was again called to the subject by a circular letter under date the 3d July 1835, No. 150, giving cover to an extract (part of paragraph 1) of a letter from the secretary to the Government of Bengal, dated 16th June 1835, in which it was pointed out that "the object of the Hon'ble the Court of Directors would be sufficiently attained if the Court would satisfy themselves annually that the officers, subject to their jurisdiction, had severally instituted the necessary enquiries to establish the validity of the security furnished by those of their subordinates, who held situations of pecuniary responsibility; but that it should be distinctly explained to all the functionaries required to furnish this annual report that, having vouched for the sufficiency of the security in each case, they thereby rendered themselves responsible for the safety of the public funds committed to the charge of their ministerial officers, and that they would be held accountable for any insufficiency of security which might be subsequently experienced.

And again by a circular order of the 20th January 1837,* No. 193, the several judicial authorities are required to insert at the foot of their annual report of the revision of securities, a certificate in the following form:

"Certified that I have revised the securities of the officers included in this report as above named, and that I consider them good and sufficient."

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* Issued by the Presidency Court under date the 16th December 1836.

6. Upon similar principles it has been ruled by the Court that a party having sued for the principal of a debt without including interest, must be presumed to have relinquished his claim to the interest accruing prior to the action, and cannot institute a second suit to recover such interest after obtaining a decree for the principal, as this would amount to a splitting of the cause of action, which is contrary both to the Regulations and the established practice of the courts. The same principle would of course apply to "Wasilaut" or mesne profits, for any period antecedent to the institution of a suit for the proprietary right in the land or other real property on which it may be claimed, which may not have been included in such suit.

Rule regarding interest or Wasilaut accruing subsequently to the institution of a suit, and while it may be pending.

7. With regard to interest or "Wasilaut" accruing subsequently to the institution of a suit, and while it may be pending, the Court observe, that the practice has hitherto been, when the court deciding the case may have omitted to provide in its decree for payment of the same, to allow the decree-holder to institute a second suit to remedy the defect in the former decision. Deeming such practice, however, open to objections, the Court are of opinion that it should be discontinued; and as the court deciding the case is obviously the proper authority to determine whether the party in whose favor the decree may pass, is entitled to interest, or "Wasilaut," for the time the suit may have been pending, where it may omit to make provision on this point in its decree, the decree-holder, instead of instituting a second suit for the amount, should apply for a review of judgment, in order that the omission may be supplied. His application, if presented within the period allowed by law for such applications, should be received on stampt paper of the value prescribed for miscellaneous petitions in the court in which it may be filed; but if given in after the expiration of that period, it must then be on stampt paper of the full value agreeably to Clause 1, Section 2, Regulation II. of 1825, and the construction contained in the letter to the address of the late Court of Appeal at Moorshedabad, under date the 15th December 1828, No. 490 of the Construction Book. The Court direct me to add that as the practice now in force, as above explained, is sanctioned by precedents, the present rule can of course only have prospective effect.

Rule regarding interest or Wasilaut accruing from the date of the decree.

8. With respect to cases, in which money liable to bear interest is payable under a decree of court, it has been laid down in the Court's circular letter of the 11th September 1829, that a clause should be inserted in the decree providing for the allowance of interest until the decree is carried into final execution; that in the event of such provision being omitted in the decree, the court by which the same may have been passed, is competent, on the summary application of the decree-holder, after due investigation, and hearing any pleas urged by the opposite party, to order payment of interest on the amount decreed, either for the whole period that may have elapsed subsequently to the date of the decree, or for such part of it as under the circumstances of the case may appear just and equitable, without referring the party to a new suit for the recovery of such interest; and that the same principle is applicable to

profits in cases of decrees for landed property. The rules for the calculation of interest on sums decreed in original suits and appeals, will be found contained in the Circular Orders of the 2d October 1835, 4th March 1836, and 7th April 1837.*

9. I am further directed to take this opportunity of informing you, as connected in some degree with the object of this circular letter, that an order passed on the execution of a decree in regard to interest, Wasilaut, or any other matter in dispute between the parties to the suit, and carrying out the original intentions of such decree, cannot be considered as constituting a new cause of action, and is not subject, therefore, to a regular suit.

An order passed on the execution of a decree, carrying out the original intentions of the decree, does not constitute a new cause of action.

10. You are requested to communicate these instructions for the information and guidance of the subordinate judicial functionaries of your district, and to take care that they are duly observed.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } 18*th January*, 1839.
Western Provinces, }

No. 30.

DOUBTS appearing to be entertained as to whether the civil courts are competent to allow a decree-holder, purchasing property sold at public auction in satisfaction of his decree, to file his receipt to the extent of the sum awarded him, in lieu of paying the whole amount of purchase money into court, I am directed by the Court to acquaint you that it has been ruled that a decree-holder should be permitted, under the circumstances above stated, to give his receipt for the amount of his claim in payment of so much of the purchase money of the property sold; provided the arrangement do not interfere with the equal claims of other parties, and that, as respects the delivery of possession of the property, the same rules are observed in regard to him as would be applied to any other purchaser, and provided also that, where the property sold may be land paying revenue to Government, the demands of Government on the estate are previously settled.

A decree-holder purchasing property brought to sale in satisfaction of his decree, may file his receipt for the amount of his claim in lieu of an equivalent amount of purchase money;—provided the claims of other parties and the demands of Government for revenue, are not compromised.

2. You are requested to communicate the substance of this letter to the subordinate judicial functionaries of your district for their information and guidance.

TO THE ZILLAH AND CITY JUDGES, GOVERNOR GENERAL'S AGENT AT HAZAREEBAGH, AND COMMISSIONER OF ASSAM.

Lower Provinces, 8th March, 1839.

No. 31.

THE instructions contained in the subjoined extract from the Circular Order, No. 215, of the 2d December 1836, not having been generally observed, the Court direct me to

Calling for an annual report on the register books.

* The last mentioned Circular was issued by the Western Court under date the 5th May, 1837.

request that you will submit, at your early convenience, a special report on the register books in question, for the year 1838, and that you will be careful to include the requisite information in your future annual reports on the civil business of your district.

Extract from the Circular Order, No. 215, dated the 2nd December, 1836.

Para. 3. The civil judge will certify in his annual report of the civil business of his district, that he has examined the register books prescribed by Regulation XVIII. 1793, (Regulation XIII. 1803, for the ceded and conquered provinces,) the books of the office of register of deeds, and register of orders denominated " Bhye yad dasht," of the courts of the district at the sudder station, prescribed by the Circular Order of the 15th May 1835, (No. 146 of volume 2, Circular Orders, Sudder Dewanny Adawlut,) and that they are properly kept, or, if any of them be defective, the cause to which this is to be attributed, and the orders issued by him on the subject.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } 22*d March*, 1839.
Western Provinces, }

No. 32.

Calling for a report of the practice observed in their districts in regard to the payment of money realized in satisfaction of the decrees of the moonsiff's courts, together with such suggestions as they may have to offer on the subject, &c.

IT having been brought to the notice of the Court that considerable inconvenience is experienced from the practice, at present observed in some of the districts in these provinces, in regard to the payment of money realized by the sale of real property in satisfaction of the decrees of the moonsiffs' courts, under which where the money may have been forwarded to the judge's court in conformity to the rule laid down in the Circular Orders of the 5th February 1833, No. 82, the decree-holders are obliged to apply to that officer for the amount by a petition on stampt paper, presented either in person or by a vakeel, I am directed to request that you will report what may be the practice of your district in such cases, and to inform you that the Court will be happy to receive from you any suggestions, that you may be prepared to offer with a view to the removal of the inconvenience complained of.

2. With regard to the moonsiffs, who hold their cutcherries at the same station as that of the judge, or within a few miles of it, no alteration in the present practice would appear necessary, except that the decree-holder's application for the payment of the money should be made direct to the moonsiff, who would apply to the judge for the transmission of the same to his court, and thus obviate the necessity of any application on the part of the decree-holder to the judge's court.

TO THE SEVERAL ZILLAH AND CITY JUDGES, THE SUPERINTENDENT OF DEHRA DOON, AND POLITICAL AGENT AT SUBATHOO.

Western Provinces, 19th April, 1839.

No. 33.

Communicating instructions, in pursuance of the orders of Government dated 6th April, for the general introduction of the vernacular or Hindoostanee language in civil proceedings, in supersession of the Persian.

IT having been resolved by Government that decisive experimental measures be immediately adopted for the abolition of the Persian language in the proceedings of the civil courts in the North Western Provinces, and for the general introduction of the vernacular, or Hindoostanee, in its place, I am ordered by the Court, in pursuance of the wishes of the Government on this head, to communicate to you, for careful observance and guidance, the following instructions.

2. The Court direct that, from the 1st of July next, the use of Persian in all civil proceedings, pleadings, petitions, and writings of whatsoever description, both in your own and the subordinate courts, be abandoned, and the Hindoostanee substituted in lieu of it —this rule not being, however, construed to prohibit parties, who may desire it, from presenting, nor the judge from receiving, such Hindoostanee pleadings, petitions, and other writings, with the accompaniment of a Persian translation.

3. Should you be of opinion that any specific obstacle exists in the district under your charge to the immediate adoption of the vernacular, in supersession of the Persian tongue, in the conduct of civil business, you will be pleased to submit a report, within a fortnight from the date of receiving this letter, detailing the nature of the obstacle, together with the grounds of your opinion in its regard. The Court will not, however, recognize the validity of any objection which may be based on the inexpertness of the ministerial officers of the courts, or their want of acquaintance with the written vernacular.

4. It is the wish of Government that care should be taken, especially on first introducing the measure, that the pleadings and proceedings be recorded in clear intelligible Oordoo, (or Hindee where that dialect is current,) and that the native ministerial officers, hitherto accustomed to write a somewhat impure Persian, do not merely substitute a Hindoostanee for a Persian verb at the end of a sentence, under the mistaken idea that such a practice will be considered as fulfilling every object in view in making the change.

5. That the Court may judge of the degree of capacity presented by your native establishment for carrying into effect the real intentions of Government, it is their wish that you select a short decree or other proceeding embracing some sort of argument, and after having it recorded in the vernacular by one of your best Hindoo mohurrirs, submit the same for the Court's perusal.

6. In the same manner it behoves you to be equally cautious, and to impress the necessity of the like caution on the several native judicial officers under you, with respect to exacting from the vakeels and pleaders, and generally all parties moving the court, first,

a written Hindoostanee style and phraseology of a certain standard of correctness—such, for example, as a well-bred native, not familiar with Persian, may adopt in common discourse; and secondly, the strict use and observance of a clean and legible written character in all manuscript papers filed in the courts, under a declared penalty of their rejection if this rule be not adhered to; requiring, also, particular attention to the latter point from the officers of the courts. The Court are satisfied that the exercise of some care at first in the above particulars is calculated to prevent much future embarrassment, labor, and delay.

7. I am instructed to express the confident hope of the Court that six months may see the change fully introduced, a result which the recent measure of success consequent on the same experiment in Bengal quite warrants them to look for. In order that they may submit a report required by Government, they will expect from you full information regarding the progress and success of the undertaking both in your own and the inferior courts, before the expiration of the year.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } 10*th May* 1839.
Western Provinces, }

No. 34.

Directing that in future the stamps used in petitions of appeal which are remanded for further investigation, be forwarded to the collector for verification.

IT being considered advisable that the stamps used in appeal cases, should be forwarded to the office of the superintendent of stamps for verification before the refund authorized by Section 8, Regulation XIX. of 1817, is made, I am directed by the Court to request that you will in future forward to the collector all petitions of appeal which are remanded for further investigation, in the manner that the plaints in cases adjusted by Razeenameh are now sent.

2. This rule is to be communicated to the principal sudder ameens for their guidance in similar cases.*

TO THE CIVIL AND CRIMINAL AUTHORITIES.

Lower Provinces, 31*st May*, 1839.
Western Provinces, 20*th September*, 1839.

No. 35.

Communicating instructions for the

I AM directed by the Court to transmit to you, for your information and guidance, and for communication to the officers subordinate to you, the accompanying copy of a letter

* See C. O. No. 44, dated 2d August, 1839.

and circular annexed, from the Officiating Secretary to the Military Board, regarding arrangements sanctioned by the Government for the preservation and repair of glazed doors and windows.

preservation and repair of glazed doors and windows.

(No. 320.)

To the Register of the Sudder Dewanny and Nizamut Adawlut.

SIR,

Government having been pleased, as intimated in Mr. Secretary Halliday's letter, No. 662 of the 2d ultimo, to sanction certain arrangements for the maintenance and repair of glazed doors and windows in civil buildings, I do myself the honor, by order of the Military Board, to annex, for the information of the Sudder Dewanny Adawlut, copy of a circular letter addressed to the superintending engineers of public works, and to request that corresponding instructions may be issued to the judicial officers under the control of the Sudder Court.

I have, &c.

(Signed) H. DEBUDE,
Officiating Secretary, Military Board.

FORT WILLIAM,
MILITARY BOARD OFFICE,
The 14th May, 1839.

CIRCULAR.

Nos. 318-319.

To the Superintending Engineers, Lower and South Western Provinces.

Under orders of Government dated the 2d instant, I am directed by the Military Board to request that the following practice be adopted for the preservation and repair of panes of glass in civil buildings.

2. No glass shall be used in the windows and doors of civil buildings nearer the floor than 3½ or 4 feet, and all below that level shall be replaced by wooden squares.

3. In Cutcherries, the civil officers at the head of each department will make some one person of their respective establishments answerable for the glass in each room, that person being liable to pay for any panes that may be broken, unless he informed his superior at the time, and either proved the fracture to have been unavoidable or produced the person who broke them.*

4. In circuit houses, whenever any of the officers entitled to the use of them, may visit the station, the native agent or other authorized person on the part of the executive

* The last clause of the manuscript copy circulated to the several authorities, has been omitted under a subsequent order of the 1st May 1840.

officer should obtain a certificate that the glass windows are complete; and on that officer leaving the house, the agent should again examine the premises and demand payment of the price of any panes he may find broken, reporting such demand and its result to the executive officer.

5. The executive officers will consider it their duty to admit of no charge for repairs of glass from their own agents without full and satisfactory explanation, and you will in like manner abstain from recommending any such charge to the Board unless you are fully satisfied that every care has been taken to obtain payment from the person who may, under the operation of the above rules, have become liable for the payment.

6. A copy of this letter has been sent to the Sudder Board of Revenue and to the Sudder Dewanny Adawlut for the information and guidance of the judicial and revenue officers under their control.

I have, &c.

(Signed) H. DEBUDE, *Captain*,
Officiating Secretary, Military Board.

MILITARY BOARD OFFICE,
14*th May*, 1839.

TO THE CIVIL AND SESSION JUDGES, MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, 7th June, 1839.
Western Provinces,

No. 36.
Applications from uncovenanted servants for leave of absence.

I AM directed by the Court to transmit, for your information, the accompanying extract from the proceedings of the Honorable the Deputy Governor of Bengal in the Revenue Department, under date the 7th May last, on the subject of applications from uncovenanted servants for leave of absence.

No. 10.

Extract from the Proceedings of the Honorable the Deputy Governor of Bengal in the Revenue Department, under date the 7th May, 1839.

No. 73.

To F. J. Halliday, Esq. Secretary to the Government of Bengal.

SIR,

Revenue Dept. I am directed to acknowledge the receipt of your letter, No. 332, dated the 5th ultimo, with its enclosures, and in reply to forward to you, for the information and guidance of the Honorable the Deputy Governor of Bengal, the accom-

panying copy of an Extract, Financial Department, dated 27th ultimo, giving cover to a Resolution relative to the rules that have been laid down on applications from uncovenanted officers for leave of absence.

2. The original papers which accompanied your letter are herewith returned.

I have, &c.

(Signed) J. P. GRANT,
Officiating Secretary to the Government of India.

COUNCIL CHAMBER,
The 15th April, 1839.

(No. 240.)

Extract from the Proceedings of the Honorable the President in Council, in the Financial Department, under date the 27th March 1839.

Read an extract from the proceedings of Government in the Revenue Department dated the 18th March 1839, and submitting copy of a letter from the Secretary to the Government of Bengal, with its enclosures in original, relative to the establishment of some general rule relative to applications from uncovenanted officers for leave of absence on account of sickness.

Resolution. The President in Council observes, that the principle has been laid down in this department, that as respects all servants entertained in the country by the local Government, the salary allowed ought to cover the entire charge for the performance of the duty, and be drawn by the person discharging it; even though by a private arrangement, approved by the official superior, a portion should be payable by the incumbent to the absentee on account of health.

The officers entertained by the local Government in the country are resorted to as a means of local aid for the time, for procuring the discharge of duties which the regular servants of the East India Company cannot perform.

Those who offer to perform these duties have no claims upon the Government except such as arise from their adequately performing the duties required; and if, through the failure of health or other cause, the arrangement fails in its object, the Government is placed under the necessity of making other similar provision for the public service. If the failure to perform the duties be of a temporary nature, the provision to supply the absentee's place will of course only be temporary; and cases have occurred in the departments under this branch of the secretariat, of the incumbent being permitted to

suggest, for the approbation of his official superior, the person who shall act as his temporary substitute, and under the condition of his being entirely approved. The substitute is allowed to officiate, being regarded however as pro tempore locum tenens, and drawing the entire salary.

It does not appear to the President in Council, that it will be possible or expedient to establish fixed leave of absence rules for servants of the classes referred to.

Ordered, that a copy of the above Resolution be sent to the Revenue Department for information, with reference to the above mentioned Extract from that Department.

Ordered also, that the original papers received from the Revenue Department, be returned.

(A true Extract,)

(Signed) H. T. PRINSEP,
Secretary to the Government of India.

(A True Copy,)

(Signed) J. P. GRANT,
Officiating Secretary to the Government of India.

No. 10.

Order.—Ordered, that a copy of the foregoing letter from the Officiating Secretary to the Government of India, together with a copy of the extract proceeding referred to therein, be forwarded to the Judicial Department, for such orders as may be deemed necessary.

Case of Mr. Hugon, „ of Mr. J. W. McLeod. „ of Mr. Watts.

Ordered also, that the original papers received from that Department be returned.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } *7th June* 1839.
Western Provinces, }

No. 37.

Native judges are competent of their own authority to realize fines imposed by them under Clause 1, Section 18, Regulation X. of 1829.

I AM directed to acquaint you, for the information and guidance of yourself and of the courts under your control, that it has been ruled by the Court of Sudder Dewanny Adawlut that the native judicial authorities are competent to proceed, of their own power, and without previous reference to you, to the realization, by the usual process, of any fines imposed by them under the rule contained in Clause 1, Section 18, Regulation X. 1829, subject to the usual course of appeal.

TO THE ZILLAH AND CITY JUDGES AND COMMISSIONERS POSSESSING CIVIL JURISDICTION IN THE EXTRA REGULATION PROVINCES.

Lower Provinces, } *7th June,* 1839.
Western Provinces, }

No. 38.

Communicating orders in regard to reviewing the decisions of a judge who has obtained leave of absence exceeding six months, and who is likely to remain absent in excess of that period.

IT having been ruled by the Court that in cases where a zillah or city judge may have obtained, and availed himself of leave of absence for a period exceeding six months, and there may be a reasonable probability of his remaining absent in excess of that period, it is competent to his successor, under the terms of Section 3, Regulation II. of 1825, to receive and act upon any application which may be presented to him for a review of such judge's decision without waiting for the expiration of the term of six months, I am directed to communicate the same to you as a rule of practice for your future guidance and observance on occasions of the nature referred to.

2. You will be careful, whenever there may be occasion to apply for authority to admit a review of judgment under the above circumstances, to state the particular grounds that exist for supposing that the judge who passed the decision will not return until after six months shall have expired from his departure, in order that the Superior Court may be enabled to form an accurate opinion as to the propriety or otherwise of granting the review prayed for.

3. I am desired to add that the above rule and observations are equally applicable to the court of the principal sudder ameen, to whom you are requested to make known the purport of these orders.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } 14*th June,* 1839.
Western Provinces, }

No. 39.

Principal sudder ameens not authorised to remand cases to the sudder ameens and moonsiffs for re-trial, without sanction of the judge. Such cases how to be entered in the periodical statements.

IT having been ruled by the Court that principal sudder ameens, in trying appeals from the decisions of sudder ameens and moonsiffs, referred to them by the judge with the sanction of the Court of Sudder Dewanny Adawlut, have no authority to remand the cases back to the courts by which they were originally determined, for re-trial and restoration to their former number on the file, I am directed to convey to you, for your information, and for communication to the principal sudder ameens subordinate to you, the following directions.

2. Whenever, in the trial of appeals of the nature above described, a principal sudder ameen may be of opinion that the decision of the lower court should be annulled, and the suit remanded, with a view to its being replaced on the original file and tried *de*

novo, he shall record the ground of his opinion in a proceeding, and submit it with the papers of the suit for your orders, retaining it in statement No. 1 of his court.

3. On the receipt of such applications, you will enter the reference under heading No. 16, column 3, Statement No. 2 of your court, and after a consideration of the grounds set forth in the proceedings of the principal sudder ameen, you will return the case to that officer with directions either to remand it to the court by which it was originally decided, or to dispose of it himself.

4. This rule is not to be considered to preclude the principal sudder ameen from directing the lower court to make any further investigation which he may consider requisite, with a view to his deciding the suit himself.

5. In the event of your sanctioning the remand, the case should be entered in column 9, Statement No. 1 of the principal sudder ameen, and also in column 4, Statement No. 1 of the court of first instance, as prescribed in the remarks on column 4, Statement No. 1, on the subject of "Cases remanded for re-trial" contained in the rules accompanying the Circular Orders of the 21st* December last.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, 28th June, 1839.

No. 40.

Prescribing the rate of payment for copying proceedings in cases referred to the Sudder Court.

THE Court, being apprehensive that the mode of payment for temporary mohurrirs employed in copying proceedings of appealed cases, which was prescribed by the Circular Order, No. 217 of the 24th November 1837, may lead to an increase of expense as well as loss of time, are pleased to direct that in future all such copies be paid for at section rates, viz. 4,000 words per Company's Rupee for copying, whether the proceedings be in Persian, Oordoo or Bengallee.

2. You are requested to specify in the bills which you send for audit the proceedings which are charged for, and the number of words in each case; and each nuthee forwarded to the Court is to be accompanied with a memorandum under the signature of your serishtedar, of the number of words contained in it and the exact sum which has been paid for copying it.

3. The foregoing rules are to be considered applicable to cases called for by the Court direct from the court of the principal sudder ameen, to whom you are requested to communicate instructions accordingly, directing him at the same time to apply to you for permission to employ extra mohurrirs when the officers on his own establishment are unable to make the required copies.

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* 7th December, Lower Provinces, No. 28.

TO THE CIVIL JUDGES OF THE DISTRICTS TO WHICH THE PROVISIONS OF REGULATION XII. 1833, HAVE BEEN EXTENDED.

Lower Provinces, } 28*th June*, 1839.
Western Provinces, }

No. 41.

Remuneration granted to a special agent not recoverable. by a successful suitor, from the losing party.

I AM directed to acquaint you that it has been ruled by the Court, that where a party gaining a cause may have employed in the conduct of the same a special agent, under the provisions of Clause 4, Section 2, Regulation XII. of 1833, instead of a regular vakeel, such successful suitor shall not, in future, be entitled to recover from the losing party any reimbursement on account of remuneration granted by him to the special agent so employed, nor shall the Court trying the cause award any thing on that account.

2. You are requested to communicate the above rule to the subordinate courts under your control, to which the operation of the enactment alluded to, may have been extended, for their information and guidance.

TO THE CIVIL AND CRIMINAL AUTHORITIES, LOWER PROVINCES.

Lower Provinces, 5th July, 1839.

No. 42.

Resolution declaring the Oordoo to be the language of record in the Sudder Court, and containing further rules in regard to the introduction of the vernacular languages into the courts of justice.

I AM directed by the Court to transmit to you, for your information and guidance, the annexed copy of their Resolution of this day's date.

Resolution of the Court of Sudder Dewanny and Nizamut Adawlut, under date the 5th July 1839.

Read the Resolution of the Honorable the Deputy Governor of Bengal, under date the 26th March last, on the progress made in introducing the vernacular languages in the proceedings in the Revenue and Judicial Departments.

1. The Court resolve, with the sanction of His Honor the Deputy Governor, that the Oordoo language shall in future be the language of record in all proceedings and orders in the Sudder Dewanny and Nizamut Adawlut at the Presidency, and that the same shall be written in the Persian character.

2. The proceedings and papers in all civil cases transmitted to this Court, which may be written either in the Persian, Oordoo, or Bengalee language, shall be unaccompanied by translations; but in criminal trials referred to the Nizamut Adawlut, with exception to trials for the crime of Thuggee, all papers which may not be drawn up in the Persian or Oordoo language, shall be accompanied by translations in the latter.

3. All papers in the Mug, Orissa, and other dialects, shall be accompanied by Oordoo translations.

4. The officers of this Court shall be allowed a period of one year from this date to qualify themselves in the Oordoo and Bengalee languages.

5. ' The authorities of the districts in which the Oordoo language is current, shall be required to take measures for introducing the use of the Nagri character in writing that language; and to report on the 1st January next, the progress which has been made in that respect.*

6. In the districts in which either the Oordoo or the Bengalee is the current language, parties are to be allowed, in all civil and criminal courts, to present all petitions and pleadings in any language they think most suitable to their purpose; but any documents so presented, which may not be written either in the Persian, Oordoo, or Bengalee, shall be accompanied by translations in one of these three languages. The same rule shall be applicable to Futwas and Bewustahs required from the Law Officers.

7. The authorities in the Bengal districts shall correspond with each other in the vernacular language, and employ the Oordoo in their correspondence with the courts of other districts. The same rule shall be observed, *mutatis mutandis*, in Cuttack and the other provinces subject to the jurisdiction of this Court.

8. The authorities of those districts in which the Amlah have not yet sufficiently qualified themselves in the vernacular languages, are authorized to grant them a reasonable time for acquiring proficiency in the same.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces,
Western Provinces, } 12*th July*, 1839.

No. 43.

Communicating instructions in regard to fixing the time within which appellants must file security for costs.

DOUBTS having been entertained, in respect to cases in which the appellate court may find it necessary to summon the respondent, as to the time which the appellant should be allowed for furnishing the prescribed security for the payment of the costs of appeal, whether the term of six weeks must be granted, or whether the fixing of a term is at the discretion of the court before which the appeal may be pending, I am directed to acquaint you that it has been ruled by the Court that, should the order for summoning the respondent on the necessary security for costs being given, be passed after the expiration of one month, as calculated according to the rule laid down in Section 8, Regulation XXVI. of 1814, and the appellant not be prepared to file the security bond immediately,

* See Circular Order No. 57, dated 1st November, 1839.

the court hearing the appeal is, in that event, at liberty to fix such time in each particular case as it may deem reasonable, and on the appellant failing to furnish the same, or to assign good reasons for the delay, the appeal may be dismissed on default.

2. The same rule is to be considered applicable to the court of the principal sudder ameen, to whom you are requested to explain the purport of these orders, enjoining him, at the same time, to pass the proper order without delay, after the appeal may have been transferred to him, in regard to the filing of security, in all cases in which the order may not have been already issued from the judge's court.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } 2d *August,* 1839.
Western Provinces, }

No. 44.

Transmitting for information copies of correspondence regarding discontinuance of the practice of forwarding to the stamp office, for examination, petitions of plaint filed in suits adjusted by razeenameh.

I AM directed to transmit, for your information, the accompanying copies of correspondence regarding the discontinuance of the practice of forwarding to the Stamp Office, for examination, petitions of plaint filed in suits adjusted by Razeenameh.

(Copies.)

(No. 111.)

Extract from the Proceedings of the Honorable the Deputy Governor of Bengal in the General Department, under date the 19th June 1839.

SEPARATE—STAMPS.

No. 599.

To the Hon'ble Colonel W. MORISON, C. B.,

President of the Council of India, and Deputy Governor of Bengal.

Hon'ble Sir,

Stamps.

With reference to the orders of Government, dated 10th June 1833, we have the honor to submit the accompanying letter, No. 661, dated 5th instant, from the superintendent of stamps, proposing the discontinuance of the existing practice of forwarding to his office, for examination, petitions of plaint filed in suits adjusted by Razeenameh previous to making the refund of the stamp duty levied upon those documents.

2. We entirely concur with the superintendent in regard to the inexpediency of continuing the system alluded to, which, while it tends to overload the public dâk, causes considerable labor and expense, and is no longer required as a check in making the

refunds, the general use of the new water-marked paper received from England being in itself a sufficient protection to the department, provided the collectors take ordinary care in examining the water-marked papers preparatory to making the refunds.

3. With exception to stamps on country paper, and stamps of the old water-marked paper on which the value of the stamp is not expressed, and which we agree with the superintendent in thinking should continue to be sent down for examination as before, we should strongly recommend the abolition of the practice adverted to; and in the event of your Honor's concurrence, we would solicit the favor of the necessary instructions on the subject being communicated to the Sudder Dewanny Adawlut.

We have, &c.
(Signed) H. M. PARKER.
JOHN TROTTER.

BOARD OF CUSTOMS,
SALT AND OPIUM,
the 13th June, 1839.

No. 661.

To W. R. YOUNG, ESQUIRE.
Secretary to the Board of Customs, Salt and Opium.

SIR,

My predecessor Mr. Saunders, in his letter to the Board under date the 11th March 1834, (extract from which is annexed,) adverting to the transmission of stampt papers in razeenameh suits to this office, for examination previous to the refund of the institution fee, stated as his opinion, that there would be no necessity for continuing the practice when the new water-marked paper came into general use, since the collectors would easily be able to satisfy themselves of the genuineness of the stampt papers, as the water mark also expressed the value of the stamp in addition to the lithographic device which is attached to all law papers.

2. Stamps prepared of the new water-marked paper being now in full circulation throughout the country, I beg to call attention to Mr. Saunders' views respecting the expediency of abolishing the practice above alluded to. No real advantage appears to be gained by its continuance, but, on the contrary, heavy expense is incurred on account of banghy hire and letter dawk in conveying on an average, monthly, nearly 1,800 papers, inclusive of judicial officers' certificates and roobacarries to and from this office.

3. With the exception of the one attempt to alter the impression of a stamp referred to by Mr. Saunders in the year 1834, not a single instance of a forged paper or an attempt at fraud has been detected, although since the date of Mr. Saunders' letter no less than 51,644 razeenameh papers have passed through this office.

4. Stamps of the old water-marked paper in which the value of the stamp is not expressed, and stamps on country paper, will of course continue to be forwarded for examination, as well as any paper of the genuineness of which the collector may not feel perfectly satisfied.

5. Should the Board approve of the arrangement suggested, I solicit their issuing the necessary orders for carrying the same into effect.

I have, &c.

(Signed) S. G. PALMER, *Supt.*

SUPERINTENDENT OF STAMP'S OFFICE,
The 5th June, 1839.

Extract of a Letter from the Superintendent of Stamps to the Acting Secretary to the Board of Customs, Salt and Opium, dated the 11th March, 1834.

4. Under the head of rules to be observed in making refunds on account of suits adjusted by razeenamehs, it will be seen that collectors are still desired to send for examination every petition of plaint in cases when the suits may be adjusted by razeenameh, in compliance with the orders contained in the correspondence noted in the margin,* which supersede the practice that before prevailed of forwarding for examination such plaint papers only as bear a stamp of 16 rupees value and upwards; but I am of opinion that no advantage at all commensurate with the trouble and expense has been gained by the change, as on referring to a list of such papers sent to this office from all parts of the country during the past month, I find that in number they amounted to 592 sheets, and that the weight of the several packages, including certificates and roobacarries, which were transmitted to and from this office by the letter dawk, did not fall short of 500 sicca weight exclusive of those sent by banghy.

Letter from Board dated 25th June 1833.

Superintendent's Circular to the Collectors, dated the 7th August, 1833.

5. Water-marked paper bearing a lithographed device, in which is inserted the limit of value to which it is applicable, is now alone used for petitions of plaint, and very shortly the new paper with the value stated in water mark in the body of the sheet, will be brought into use, so that there is little or no chance of a repetition of the frauds that prevailed when country paper was in use, and which led to the order for transmitting plain paper to this office for examination, previous to the return of the institution fees.

6. In fact only one instance of an attempt to alter the value of the stamp impression on water-marked paper has come under my observation, and that might have easily been detected by the collector, as the proper value of the paper remained unaltered on the lithographed device. The Board perhaps therefore will agree with me in thinking it will only be necessary to caution collectors carefully to examine such papers, and that the rules inserted in red ink in the margin may be substituted for the rules.

True Extract,

(Signed) S. G. PALMER, *Superintendent.*

(No. 255.)

To the Board of Customs, Salt and Opium.

GENTLEMEN,

Separate Department—Stamps. I am directed to acknowledge the receipt of your letter, No. 599, dated the 13th instant, with its enclosure, and in reply to state that, under the recommendation of your Board, His Honor the Deputy Governor of Bengal is pleased to sanction the discontinuance of the existing practice of forwarding to the office of the superintendent of stamps, for examination, petitions of plaint filed in suits adjusted by razeenameh previous to making the refund of the stamp duty levied upon those documents.

2. A communication will be made to the Judicial Department of the Government of Bengal, whence the necessary instructions on the subject will be issued to the Sudder Dewanny Adawlut.

3. A copy of the orders of the Government, together with a copy of your letter and of its enclosure, will be forwarded to the Judicial Department of the Government of the North Western Provinces.

4. The original papers which accompanied your letter, are herewith returned.

I have, &c.

(Signed) H. T. PRINSEP,
Secretary to Government of Bengal.

FORT WILLIAM,
The 19th June, 1839.

Order.—Ordered, that a copy of the foregoing letter from the Board of Customs, Salt and Opium, dated the 13th instant, and of its enclosure, together with a copy of the reply, be sent to the Judicial Department of the Government of Bengal, in order that the necessary instructions for the discontinuance of the existing practice of forwarding to the office of the superintendent of stamps, for examination, petitions of plaint filed in suits adjusted by razeenameh, previous to making the refund of the stamp duty levied upon those documents, may be issued to the Sudder Dewanny Adawlut.

True Extract,

(Signed) H. T. PRINSEP,
Secretary to the Government of Bengal.

Judicial Department, the 4th July, 1839.

A true Copy,

(Signed) F. J. HALLIDAY,
Secretary to the Government of Bengal.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } 16*th August*, 1839.
Western Provinces, }

No. 45.

Communicating instructions in regard to entry in statement No. 1, Part 1, of suits again brought on the file consequent on a summary appeal under Sec. 3, Regulation XXVI. of 1814, and Act XXII. of 1838. Mode in which additions are to be made to the appendix of Circular No. 28, Vol. III.

IT having come to the notice of the Court, that their circular instructions, No. 28, dated 21st* December last, make no specific provision for the entry, in any particular column of statement No. 1, part 1, of suits again brought on the file consequent on a summary appeal under Section 3, Regulation XXVI. of 1814, and Act XXII. of 1838, and it being important to observe a uniform mode of exhibiting such cases in the periodical returns, I am directed to communicate, for your information and guidance in this respect, the following order.

2. When suits of the above description may have been re-admitted on your file, you will be pleased to enter them in column 4 of your statement of civil business, No. 1, part 1; the want of correspondence which such entry will cause between that column and column 6, being met by the insertion of an explanatory remark under note B, in the mode provided for in the amended form of part 1, statement No. 1, which accompanies this letter.†

3. As the adoption of this rule involves the necessity of a corresponding addition to the appendix of the circular letter, dated 21st December last, the Court are further pleased to direct that you attach thereto a supplement in the form of several additional sheets of the same sized paper, in which you will make the entry specified in the margin,‡ denoting, at the same time, a reference to page 4 of the appendix, below the 4th instance of discrepancy there noticed, by an alphabetical letter, to be inserted both in the supplement, and opposite the appropriate place in the body of the rules: thus in the margin of page 4 of the appendix, just below the 4th instance above adverted to, will be written, "vide supplement, note A."

‡ Supplementary note A on page 4 of appendix.

5. When a case is readmitted on the file consequent on a summary appeal under Section 3, Regulation XXVI. of 1814, and Act XXII. of 1838.

4. You are requested to observe the rule indicated in the preceding paragraph, on all future occasions of any addition to, or alteration of the appendix, under the orders of the Court, and, on each such occasion, as well as in the present instance, to be careful to certify, for their information, your having inserted the appropriate entry in the supplement and body of the rules.

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* Lower Provinces, 7th December.

† The statement has already been printed, in its amended form, at the end of the Circular No. 28 of this volume.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } 23*d August*, 1839.
Western Provinces, }

No. 46.

Supersession by Acts VII. and XXII. of 1838, of the provisions of Clause 2, Section 27, Regulation XXIII. of 1814, and the Construction thereon of 21st February 1834, relative to appeals.

I AM directed to transmit, for your information and future guidance, the accompanying copy of a letter this day addressed by the Western Court to the officiating judge of Goruckpore, on the subject of the virtual supersession, by the operation of Acts VII. and XXII. of 1838, of the provisions of Clause 2, Section 27, Regulation XXIII. of 1814, and the construction thereon, contained in the Court's letter of the 21st February 1834, printed construction book, volume II. page 161.

TO THE OFFICIATING JUDGE OF GORUCKPORE.

The Court, having again had before them your letter No. 110, dated 11th June last, relative to their constructive application of Clause 2, Section 27, Regulation XXIII. of 1814, now direct me to communicate to you the following reply.

* Act XXII. of 1838.
Act VII. of ditto.

2. The Court are of opinion that, as, under existing laws,* both in cases in which a summary appeal may lie on the part of the plaintiff, and on a regular appeal being preferred by either party, the judge has now authority to remand every description of case for further investigation and decision or retrial, whenever such a measure may be deemed necessary for the ends of justice, the provisions of Clause 2, Section 27, Regulation XXIII. of 1814, and the construction thereon, contained in the Court's letter dated 18th April 1834, No. 55,† in reply to certain queries of the judge of Futtehpore, must be considered as virtually superseded.

† Vide printed Construction Book vol. II. page 161, where the letter bears date 21st February 1834.

3. You are requested to act on this rule in the future practice of your court.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } 23*d August*, 1839.
Western Provinces, }

No. 47.

Requesting particular attention to existing instructions relative to the proper course to be

AN instance having been brought to the Court's notice in which it appears to be the practice, on the filing of a petition of appeal, for the judge to issue a notice to the appellant requiring him, after the expiration of three days, to continue in attendance, and be present either in person or by vakeel on the day on which his petition may be taken up,

under penalty of the case being dismissed or struck off the file, I am directed to request your particular attention to existing instructions, indicative of the proper course to be followed by the judge in taking up petitions of appeal under Clause 3, Section 16, Regulation V. of 1831, and Act VII. of 1838, when the petitioner may not be in attendance in person or by vakeel.

followed by the judge in taking up petitions of appeal, under Clause 3, Section 16, Regulation V. of 1831, and Act VII. of 1838, when the petitioner may not be in attendance in person or by vakeel.

2. The Court observe that the Circular Order, No. 60, of the 24th August 1832, having already ruled that appeals preferred under the provisions of Section 16, Regulation V. of 1831, must be considered as regular appeals, and be at once admitted on the file, even though the respondent may not be summoned in the first instance, the rules laid down in the circular No. 33, dated 5th November 1812, have consequently strict application to all such cases, and should be duly observed on all occasions of the appellant not being in attendance at the time of his petition of appeal being brought to a hearing.

3. I am instructed further to remind you that the Circular Order No. 157, dated 6th November 1835, which is equally applicable in principle to the courts of the native judges of every grade, has made full provision on the subject of the execution of decrees, in the absence of an order from the appellate court to stay such execution; and a proper observance of the rule contained it is sufficient to prevent any undue advantage being taken by an appellant of delay in the hearing of his petition of appeal.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } 10*th Sept.* 1839.
Western Provinces, }

THE Court observe that in forwarding their certificates of appeal, and in making their returns to the precepts of the Court under Act XXV. 1837, the principal sudder ameens are not guided by any prescribed forms, and that much want of uniformity consequently prevails. This diversity of practice being found inconvenient, the Court are pleased to direct that those officers shall be required to conform to the practice of the zillah courts in this matter, substituting the Oordoo* for the English language.

No. 48.

Principal sudder ameens required to conform to the practice of the zillah courts in forwarding their certificates of appeal, and in making their returns to the Court's precepts under Act XXV. of 1837, substituting the vernacular for the English language.

2. I am directed to forward, for the immediate use of the principal sudder ameen under your control,—sets of the certificates noted in the margin,* and you are requested to issue the necessary instructions to that officer.

3. For your future supplies you will be pleased to indent on the Government Lithographic Press in Calcutta.

* Certificate No. 1.
Ditto ..... No. 2.
Do. making return to Court's precept.

* Bengalee in the Bengal districts.

ضلع محکمه صدر الصدور

بنام اپیلانت

رسپانڈنٹ

:

صدر دیواني اله آباد کے صاحب رجسٹر کي خدمت مین

ناراضي سے فیصله

اپیل کي درخواست جو اِس محکمے مین ہے معه خلاصه ذکري مقدمه کے اِس سارٹیفکٹ کے ساتھه حضور مین بھیجي جاتي ہے

تاریخ فیصله کي

تاریخ اپیل کے درخواست گذرنے کي

میرے دانست مین اِس مقدمے کے اپیل کي درخواست اندر میعاد معینه قانون کے گذري ہے اور اعلام نامه معمولي

مہنے کي تاریخ کو اپیلانٹ کے نام جاري ہوا ہے تاکه وہ اندر میعاد مقررہ قوانین کے اصالتاً خواہ وکالتاً شرایط اپیل کي تعمیل کے لئے حاضر ہو

آج که مہنے کي تاریخ ہے مین نے اِسپر دستخط اور مہر کي

تاریخ روانگي کي

ع نمبر سارٹیفکٹ محکمہ صدر الصدور

ضلع *

نمبر پریسپٹ کي بہي کا

نمبر مقدمے کا

بنام اپیلانٹ

رسپانڈنٹ

صدر دیواني الہ اباد کے صاحب رجسٹر کی خدمت مین

روبکاري اِس محکمے کي لکھي ہوئي کي جواب مین

پریسپٹ مصدورہ سنہ ۱۸ صدر دیواني الہ اباد

کے کہ معہ روبکاري لکھي ہوئي صاحب حاکم

کے جلسہ کے یہان آیا ہے اِس استدعا سے حضور مین بھیجي

جاتي ہے کہ دوسرا رٹیرن سنہ ۱۸ کے مہنے کي

تاریخ تک خواہ اُسکي پہلي حضور مین ارسال کیا جایگا

آج کہ مہنے کي تاریخ ہے مین نے اِسپر دستخط اور مہر کي

تاریخ روانگي کي

ضلع محکمه صدر الصدور

بنام اپیلانت

رسپانڈنٹ

صدر دیواني اله اباد کي صاحب رجسٹرکي خدمت مین

اصل اعلام نامه جسکے اجرای کا ذکر اپیلانٹ کے نام مین اِس محکمه کي پهلي سارٹیفکٹ مین کیا گیا تها اور مهینے کي تاریخ کو صدر دیواني عدالت مین بهیجا گیا هے اب اُسي حسب ضابطه کي تعمیل کر کے حضور مین ارسال کیا جاتا هے

آج که مهینے کي تاریخ هے مین نے اِسپر دستخط اور مهر کي

تاریخ روانگي کي

জেলা প্রধান সদর আমিনের বিচারালয়—

আপীলাণ্ট—

বনাম

রেয়াডণ্ট—

সদরদেওয়ানির রেজষ্টর সাহেবের সমিপে
নিষ্পত্তি পত্রের অসম্মতিতে—

জে আপীলের দরখাস্ত অত্র বিচারালয়ে আছে মোকর্দ্দমার নিষ্পত্তি পত্রের চুম্বক সম্বলিত এই সারটিফিকটে সমিঃভ্যারে হুহুরে প্রেরন করা জাইতেছে।

নিষ্পত্তি পত্রের তারিখ

আপীলের দরখাস্ত দাখিল হওনের তারিখ

আমার বিবেচনায় এই মোকর্দ্দমার আপীলের দরখাস্ত আইনের নিরূপিত মেয়াদ মধ্যে উপস্থিত হইয়াছে আর রিতমত এলামনামা

নাসের তারিখে আপীলাণ্টের নামে প্রচার হইয়াছে যে ঐ ব্যক্তি আইনের নিরূপিত মেয়াদ মধ্যে সয়ং অথবা উকিলের দ্বারায় আপীলের দাঁড়া সকল সনাধান করনের নিমিত্তে হাজির হয়।

অদ্য মাস তারিখে আমি ইহার উপর দস্তখত আর মোহর করিলাম—

প্রেরনের তারিখ।

৫ নম্বর সারটিফিকট প্রধান সদর আমিনের বিচারালয়

জেলা

পরিস্থিটের বহির নম্বর

মোকদ্দমার নম্বর

আপীলাণ্ট

বনাম

রেস্পাণ্ডণ্ট

সদরদেওয়ানির সাহেব রেজষ্টরের সমিপে

অত্র বিচারালয়ের লিখিত রোবকারির প্রতিউত্তরে জে

পরিস্থট সদরদেওয়ানির কবকারির সম্বলিত সন ১৮

লিখিত হাকিমে বৈঠকে এখানে আসিয়াছে অতএব

এই প্রার্থনায় হুহুরে প্রেরন করা জাইতেছে যে দ্বিতিয় বিটরন

সন ১৮ সালের মাসের তারিখ পর্য্যন্ত অথবা

তাহার পূর্ব্বে হুহুরে প্রেরন করা জাইবেক।

অদ্য মাস তারিখে আমি ইহার উপর দস্তখত আর মোহর

করিলাম।

প্রেরনেরতারিখ।

জেলা ; প্রধান সদর আমিনের বিচারালয়

আপীলাণ্ট

বনাম

রেস্পাণ্ডণ্ট

সদরদেওয়ানির রেজষ্টর সাহেবের সমিপে

জে আসল এয়ালামনামা আপীলাণ্টের নামে প্রচার করনের প্রসঙ্গ অত্র বিচারাগারের প্রথম সারটিফিকেটে করাগিয়াছিল আর মাশের দিবশে সদরদেওয়ানি আদালতে পাঠান গিয়াছে এক্ষেনে তাহাকে রিত অনুশারে শমাধান করিয়া হুজুরে প্রেরন করা জাইতেছে।

অদ্য মাশের তারিখে আমি ইহার উপর দস্তখত আর মোহর করিলাম

প্রেরনের তারিখ।

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces,
Western Provinces, } *20th September*, 1839.

No. 49.

Prescribing rules for the observance of the subordinate courts in regard to the preparation of their final decrees, and transmission to the judges' courts of the records of decided cases by the inferior tribunals.

IT having come to the knowledge of the Court that, in several districts in the provinces under their control, great delay habitually occurs both in the European and native courts in the preparation of their final decrees and orders, after the decision of suits determined by them; and such delay being obviously a direct breach of the Regulations, opposed to all method and system in the conduct of business, and calculated to be highly prejudicial to the interests of parties concerned in the decisions of such courts; and it likewise appearing, as closely connected with the same subject, that no regular and uniform plan prevails, in regard to the monthly transmission to the judge's court of the records of suits decided by the inferior tribunals, I am directed to communicate to you the following observations and orders.

2. The Court observe that you are of course aware that Clause 1, Section 41, Regulation XXIII. of 1814, expressly orders that the moonsiffs shall prepare and tender, within one week after the date of the decree, copies of the same to the parties in the suit, and that the provisions of that Section were, by Section 73 of the same Regulation, made applicable to sudder ameens.

* Section 26, Regulation IV. of 1793, —extended by Regulation VIII. of 1795, to Benares,—and Section 27, Regulation III. of 1803, for the ceded and conquered provinces.

3. Regulation V. of 1831, contains no specific rule for the guidance of the principal sudder ameens in this respect; but Clause 4, Section 18, of that enactment provides that, in the trial and decision of cases referred to them, they shall be guided by the rules established for the conduct of business in the courts of the sudder ameens; and, before stamps were required for copies of decrees, the law* directed that the judge, within 10 days after passing the decree, should deliver or tender a true copy thereof to each party in open court.

4. With respect to the second point, I am desired to point out to you that the provisions of Clause 1, Section 43, Regulation XXIII. of 1814, which require the transmission by the moonsiffs, (and, under Section 73 of the same law, by the sudder ameens, the rule applicable to whom is extended by Clause 4, Section 18, Regulation V. of 1831, to principal sudder ameens,) on or before the 15th of each month, of reports of all suits decided by them in the preceding month, to the judge, together with the original papers and documents in each case, for deposit among the records of his court,—although the Section itself has in fact been rescinded by Section 2, Regulation VII. of 1829,—are still, under Clause 2, Section 3, of the last mentioned enactment, in force, never having been specially dispensed with or ordered to be discontinued by the Court.

5. The Court remark that an adherence to the second rule is the best security for attaining the object contemplated by the first, supposing the latter not to be duly observed, because the transmission, for record, of determined cases, of course involves their previous completion in every respect, in which case, even if the rule requiring the preparation of the final order within a week were neglected, the furthest postponement that could take place would never greatly exceed one month.

6. In accordance, therefore, with the abovementioned rules, and in the exercise of the general authority vested in them by Clause 1, Section 3, Regulation VII. of 1829, the Court are pleased to prescribe the rules that follow for the observance of the several courts.

7. The moonsiffs will, as heretofore required to do, prepare and tender to the parties copies of each decree or final order which they may pass, within one week from the date thereof, the rule being equally applicable to sudder ameens and principal sudder ameens, in suits referred to them under Section 5, Act XXV. of 1837; in all other cases, the functionaries of the two latter grades are hereby required to have every decree and final order prepared within the same period.

8. As regards your own court, it will be incumbent on you, and you are hereby directed, to have every decree and final order prepared and ready for transcription within ten days after passing it.

9. The moonsiffs and sudder ameens will forward, along with their regular returns of business, the despatch of which must be regulated with reference to the period within which, as declared in paragraph 4 of Circular Orders No. 28, dated 7th December last,* you are yourself expected to submit your statements to this Court, viz. ten or at furthest fifteen days from the close of the month to which they relate, the same reports of suits decided, with the original papers and documents of each suit, (including of course the final decree,) as under Clause 1, Section 43, Regulation XXIII. of 1814, they were bound to do; and the same course will be followed by the principal sudder ameen in so far as regards all suits not exceeding 5,000 rupees in amount.

* Issued by the Western Court under date the 21st December 1838.

10. With the records of regular suits the moonsiffs, sudder ameen, and principal sudder ameen, will also transmit, for deposit, the records of all cases of execution of decrees and other miscellaneous cases that may have been disposed of in the preceding month, with exception to cases of enforcement of decrees, struck off the file in that period, in which an application may have been made, to sue out execution anew, prior to the date of transmission, in which event they will send, in lieu of the record, copies of the order striking the case off the file, of the petition for revival, and of the proceeding thereon.

11. It is highly desirable that you should occasionally inspect the records of such cases, especially those which concern the execution of decrees that have been struck off in default, with a view of satisfying yourself that no abuse or irregularity has been practised in so proceeding, and of taking proper steps to correct the same, if detected.

12. In order that the Court may be duly informed of such records of decided cases having been regularly received and deposited in your office, a supplement has been added to part 4 of the monthly statement No. 1, containing a detail of the names of the several functionaries alluded to in paragraph 9, and intended to exhibit the dates on which the records of suits, disposed of by them in the month to which the statement refers, were severally received and deposited in your office, and in preparing the statement in question, you will be pleased in future invariably to insert opposite to the name of each officer, the date of the receipt and deposit of the records submitted by him agreeably to the instructions conveyed in the preceding paragraph, and, in the event of any officer failing to transmit the same up to the date of the despatch of the statement to this Court, you will be careful duly to certify the fact opposite to his name, with a brief note of the assigned reasons of such failure.

13. As regards suits decided by the principal sudder ameen, which exceed 5,000 rupees in value, the Court except them from the above rule, and direct that the records of such cases shall be retained by that officer for a period of six months, so as to enable him to execute any orders issued to him thereon by the Sudder Dewanny Adawlut, on occasion of appeals being preferred; after which they are to be forwarded for deposit in your office. The usual report, submitted monthly, will of course include these decisions also.

14. With each monthly return the principal sudder ameen will likewise furnish you with a certificate in Oordoo,* (unless he happen to be acquainted with the English language, when it shall be written in that tongue,) to the effect that all decrees exceeding rupees 5,000, passed by him in the month to which the statements relate, were prepared by him within seven days from the date of such decree. The abovementioned certificate you will then attach by a thread to statement No. 1, part 1, and submit with your periodical papers for the information of the Court.

* Bengalee in the Bengal Districts and Oorya in Cuttack.

No. 50.

Transmitting copy of a letter from the Judicial Secretary to the Government on the subject of travelling allowances to the amlah of officers in the mofussil, when on duty in the interior of their districts.

TO THE CIVIL AND CRIMINAL AUTHORITIES.

Lower Provinces, 20th September, 1839.

I AM directed by the Court to forward to you, for your information and guidance, the enclosed copy of a letter No. 1247, dated the 29th ultimo, from the Secretary to the Government of Bengal, Judicial Department.

No. 1247.

To J. HAWKINS, Esquire,

Register, Sudder Court.

Sir,

Revenue. I am directed to forward, for the information of the Court, copy of a letter this day addressed to the secretary to the Sudder Board of Revenue, on the subject of travelling allowances to the amlah of officers in the mofussil, when on duty in the interior of their districts, and to request that you will make the tenor of them known generally to the several officers in the judicial department.

I have, &c.

(Signed) F. J. HALLIDAY,
Secretary to the Government of Bengal.

Fort William,
The 29th August, 1839.

No. 1246.

To E. CURRIE, Esquire,

Secretary to the Sudder Board of Revenue.

Sir,

Revenue. I am directed to acknowledge the receipt of your letter No. 168, of the 3d April last, enclosing a letter from the commissioner of Patna, submitting an application from the native English writers on his establishment for an increased rate of travelling allowances.

2. The scale of allowances at present in use is as follows:

Natives.

Monthly salary of		10	Rupees,	2	Annas	per diem.
,,	,,	25	,,	4	,,	,,
,,	,,	40	,,	6	,,	,,
,,	,,	60	,,	8	,,	,,
,,	,,	80	,,	12	,,	,,
,,	,,	100	,,	1	,,	,,

Christians.

60	Rupees	per mensem,	12	Annas	per diem.
100	,,	,,	1	Rupee	,,
200	,,	,,	2	,,	,,
300	,,	,,	3	,,	,,

The difference between the Christian and native writers there, is, that the former never draw less than 12 annas per diem or 22½ rupees per mensem, whereas the latter draw some of them only 2 annas per diem.

3. By an order of Government dated the 31st of October 1837, the superintendent of police was authorized to pass bills for travelling allowances to his amlah at exactly *double* the rates mentioned in the former paragraph.

4. In your letter under acknowledgment, the Board suggest that no difference should be made between the "Native" and "English" officers as heretofore, but that all amlah should receive according to the following scale:

Salary	per mensem.	Per diem.
Up to	25 Rupees,	5 Annas
,,	30 ,,	6 ,,
,,	40 ,,	8 ,,
,,	50 ,,	10 ,,
,,	60 ,,	12 ,,
,,	100 ,,	1 Rupee.
,,	200 ,,	2 ,,
,,	300 ,,	3 ,,

5. Your letter was forwarded to the civil auditor, who was requested to furnish the Government with his opinion on the matter. He has suggested in reply that all amlah should receive 3-10ths extra pay as travelling allowance.

6. This is considerably less than the scale proposed by the Board, as will be seen from the following table, which contains also the allowances at present granted.

Salary per Mensem.	*Present Allowances.*	*Proposal of Board.*	*Proposal of Civil Auditor.*
30 Rupees.	11 4	11 4	9
40 ,,	11 4	15	12
50 ,,	15	18 12	15
60 ,,	15	22 8	18
80 ,,	18	30	24
100 ,,	30	30	30

7. The rates passed to the amlah attached to the office of superintendent of police are, as before mentioned, *double* the rates allowed to any other amlah; but His Honor the Deputy Governor is of opinion that the most equitable plan will be to equalize the travelling allowances of all amlah, without respect to nation or creed, and he thinks also that the rates proposed by the civil auditor are those which should be followed.

8. Orders will accordingly be issued to the civil auditor, and you will be pleased to make the above known to the several officers in the revenue department.

9. In the division of Chittagong, the amlah of the commissioner are now allowed, His Honor believes, a double travelling allowance. The commissioner should therefore be instructed to continue to present incumbents in his office the advantages they now enjoy, applying the new rule to all amlah appointed subsequent to this date.

I have, &c.

(Signed) F. J. HALLIDAY,
Secretary to the Government of Bengal.

FORT WILLIAM,
The 29th August, 1839.

Revenue Department, the 29th August, 1839.

(True copy,)

(Signed) F. J. HALLIDAY,
Secretary to the Government of Bengal.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES, EXCEPT TO THE JUDGES OF AGRA, MYNPOORIE, ETAWAH, AND CAWNPORE.*

Western Provinces, 27th September, 1839.

No. 51.

Transmitting extract of a letter from Government, authorizing the extension of the provisions of Regulation XII. of 1833, to all the courts in the North Western Provinces, except those of the moonsiffs.

I AM directed by the Court to forward to you, for your information and guidance, and for communication to the principal sudder ameen and sudder ameen of your district, the annexed extract of a letter from the secretary to the Right Honorable the Governor General in the Judicial Department, under date 14th instant, authorizing the extension of the provisions of Regulation XII. 1833, to all the courts in the North Western Provinces except those of the moonsiffs.

* By an order of Government, dated 29th October, and published in the Calcutta Gazette of the 16th November 1839, the provisions of Clauses 5 and 6, Section 2, Regulation XII. 1833, were extended to the courts of the sudder ameens and principal sudder ameens in the Lower Provinces.

Extract of a letter from the Secretary to the Right Honorable the Governor General in the Judicial Department, to the address of the Officiating Register to the Sudder Dewanny Adawlut, North Western Provinces, dated 14th September, 1839, No. 2260.

Para. 1. I am directed to acknowledge the receipt of your letter No. 1433, dated the 9th ultimo, and in reply to request you will inform the Court, that the Right Honorable the Governor General authorizes the extension of the provisions of Regulation XII. 1833, generally, to all the courts within their jurisdiction, except those of the moonsiffs.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces,
Western Provinces, } *11th October*, 1839.

No. 52.

Directing an addition to be made to paragraph 4 of the circular No. 10, dated 20th July,* 1838, regarding the mode of entering in the periodical statements, suits in which verbal representations may be made by the plaintiffs or their vakeels of their having abandoned the prosecution of the suit from any cause.

THE Circular No. 10, dated 20th July* 1838, paragraphs 2, 3, and 4, appearing to be defective, inasmuch as, while it prescribes the mode of entering in the periodical statements suits which may be disposed of on Sooluhnamah, Razeenamah, or other *written* application presented to the Court, it contains no provision regarding the appropriate entry of cases in which verbal representations may happen to be made by the plaintiff or his vakeel, of their being satisfied, and having abandoned the prosecution of the suit, on the ground of adjustment or relinquishment of the claim or from any other cause, I am directed to acquaint you that, in order to supply the defect referred to, the Court are pleased to determine that the subjoined addition be made to paragraph 4 of the circular, for the future observance and guidance of yourself and the subordinate tribunals.

2. In embodying this additional rule in the circular letter, you will be guided by the observations conveyed in paragraphs 3 and 4 of the Court's circular dated 16th August last.

*Addendum to paragraph 4 of Circular Order, No. 10, dated 20th July** 1838.

In all cases wherein the plaintiff or his vakeel may verbally represent to the court his desire to abandon the prosecution of the suit, on the ground of adjustment or relinquishment of the claim, or from whatever other cause, it shall be the duty of the court before which such representation is made, after recording the same, to proceed to declare that, as plaintiff is not desirous of proceeding, the case is therefore struck off the file; and such cases should be entered under the head of dismissed on default.

* Issued in the Western Provinces under date the 3rd August.

TO THE CIVIL AND SESSION JUDGES.

Lower Provinces, } 11*th October*, 1839.
Western Provinces, }

No. 53.

Officers in charge of current duties of the office of civil and session judges, have the power of giving leave of absence for a limited term, in urgent cases, to the vakeels and amlah.

IN continuation of Circular Order No. 131, dated 6th February 1835, containing rules for defining the duties of functionaries in charge of the current business of the office of civil and session judge, I am directed to communicate to you the rule that follows.

2. It having been determined by the Court that the power should be possessed by officers in charge of current duties, of giving leave of absence for a limited term, and when urgently required, to the vakeels of the court, and generally to the amlah of the civil and session judge's establishment, such power will in future be exercised by them with limited application to occasions of temporary absence, in cases of emergency not admitting of delay.

3. You will be pleased to append this, as Rule 5, to the circular quoted above, and to apprise such officers as may at any time receive charge of the current business of your office, of its purport.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, 18*th October,* } 1839.
Western Provinces, 31*st October,* }

No. 54.

Communicating instructions in modification of paragraph 4 of the circular No. 4, dated 23d Feb. 1838, regarding the cognizance by principal sudder ameens of suits in which English documents may form a part of the evidence.

THAT part of the Circular Order No. 4, under date the 23d February 1838, which prohibits the reference to a principal sudder ameen of suits in which the documentary evidence may be in English, unless that officer possess an acquaintance with the English language, appearing to the Court to require some qualification, I am directed to communicate to you the following instructions, in modification of paragraph 4 of the circular referred to, for the guidance of yourself and the subordinate courts concerned.

2. You will not in future consider the mere circumstance of the initial petition reciting the existence of an English document in support of a claim, to constitute a necessary ground for the retention of a suit on your own file. On the contrary such suits are to be referred in the first instance, in the same manner as others, under the existing laws, to those tribunals by which they may be cognizable.

3. After the reference of such a suit when the principal sudder ameen, (or sudder ameen with respect to suits which from their amount may be within his cognizance,) shall proceed in the manner prescribed by Sections 10 and 12, Regulation XXVI. of 1814, it will be his duty, upon either party tendering an English document as evidence, to require such

party to file with it an Oordoo translation,* without which accompaniment it should not be received. The court before whom these papers are filed, shall thereupon transmit both the original and translation, in the same mode as is laid down for the transmission of exhibits, and with the same precautions, to your court, for consideration and orders.

* Bengalee in the Bengal districts and Ooryah in Cuttack.

4. Upon inspecting the English and Oordoo documents, you will consider the propriety of allowing the subordinate court to proceed with the suit or transferring it to your own file, with due advertence to the nature of the English writing, and of the transaction to which it may relate, exercising your discretion accordingly. Should it appear likely to involve such complicated questions, as would make a knowledge of English indispensable to a correct adjudication of the case, you may deem it advisable to adopt the latter course, and recall the suit to the file of your court; but if the English writing should be confined to a simple account, bill, or other similar document, you will probably think fit, after satisfying yourself of the accuracy of the translation, (and in the event of discovering any error, taking proper steps towards remedying the defect,) to return the papers to the lower court, with instructions to proceed in the usual manner.

5. You will be pleased to issue the necessary orders on these points for the information and guidance of the subordinate courts.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, 1*st November*, } 1839.
Western Provinces, 13*th December*, }

No. 55.

Communicating instructions *regarding* the extent of the powers vested in the civil courts, in putting auction purchasers in possession of property purchased by them on a requisition of the collector under Clause 1, Section 28, Regulation XI. of 1822.

THE Court, having reason to believe that a considerable difference of opinion and practice prevails in regard to the extent of the powers vested in the civil courts in putting auction purchasers in possession of the property purchased by them, on the requisition of the collector under the provisions of Clause 1, Section 28, Regulation XI. 1822, direct me to communicate the following instructions on the subject for your information and future guidance.

2. The course to be adopted, in cases of the nature adverted to, is clearly laid down in Clauses 1 and 2 of the Section in question, by the former of which the collector is required, previously to having recourse to the civil court, to take certain steps for the purpose of giving the auction purchaser possession of the lands which he may have purchased; and it is only in the event of his being unable to accomplish that object with the means at his disposal, and of further measures becoming necessary in consequence, that he is to apply to the civil judge, who, after inspecting the proclamation of sale, is to put the purchaser in possession of the property sold to him, as specified therein, by the usual process for giving possession of landed property under decrees of the courts of justice.

3. If, however, any difficulty should be experienced in giving possession owing to disputes regarding tenures, boundaries, and such like, it is distinctly declared in the following clause that it shall be competent to the Governor General in Council to depute a covenanted civil servant for the purpose of enquiring into the claims of the parties on the spot, in order to decide what lands shall be delivered over to the purchaser, and for what he shall be referred to a civil action against the opposite party, and *vice versa*, and to give possession accordingly.

4. Provision being thus expressly made in the latter clause for the course to be pursued when doubts may be entertained as to the nature and extent of the rights and interest acquired by the auction purchaser, the interposition of the judge in cases coming under the preceding clause, in which the collector is authorized under certain circumstances to apply for his assistance, is restricted to the judge's enforcing, by such means as the law places at his command, delivery of possession of whatever property may be specified in the proclamation of sale, without exercising any interference or expressing any opinion in regard to doubtful points, which are to be determined either by a special commissioner appointed for the purpose, or in a regular civil suit.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } 1*st November*, 1839.
Western Provinces, }

No. 56.

Communicating instructions in regard to the description of documents, of which copies should be given to pauper plaintiffs on plain paper, under Section 8, Regulation XXVIII. of 1814.

DOUBTS appearing to exist, and diversity of practice to prevail in consequence, as to the description of papers, copies of which under Section 8, Regulation XXVIII. of 1814, a pauper plaintiff is entitled to obtain on unstampt paper, I am directed to communicate to you the following instructions.

2. It has been ruled by the Court that a pauper plaintiff dissatisfied with any interlocutory order, passed while his suit is pending, and desirous of appealing therefrom to a court of higher jurisdiction, is entitled to the privilege of obtaining a copy of such order or proceeding against which he intends to appeal on plain paper.

3. Similarly copies of any orders passed in the execution of a decree, which a pauper in the court whence it may have issued, would be required by law, in the event of his appealing from such orders to the superior court, to file with his petition of appeal, are obtainable by him on unstampt paper.

4. The rule contained in paragraph 2 is to be understood as restricting the immunity from stamp duty to the order or proceeding from which the appeal is preferred, and

is not to include copies of documents and other papers which paupers appealing may be desirous of filing therewith, in support of the objections taken by them to such proceedings or orders, which must be written on stampt paper and not on plain paper as allowed by some courts.

5. It is hardly necessary to point out that this restriction can never operate with hardship on the pauper preferring the appeal, the power resting with the appellate tribunal of calling for such papers as it may deem requisite to elucidate any point not satisfactorily explained by the copy of the order appealed from.

TO THE CIVIL AND SESSION JUDGES AND MAGISTRATES AND JOINT MAGISTRATES IN THE BEHAR PROVINCES, AND GOVERNOR GENERAL'S AGENT, HAZAREEBAGH.

Lower Provinces, 1*st November*, 1839.

No. 57.

The introduction of the Nagri character in writing the Oordoo language to be gradually and cautiously effected.

THE instructions contained in paragraph 5 of the Court's resolutions of the 5th July last, regarding the use of the Nagri character in writing the Oordoo language (quoted in the margin*) being general, and it being material that that measure should be carried into effect without obstruction to public business, I am directed by the Court to request your particular attention to the necessity of introducing the change in the most gradual and careful manner.

* "The authorities of the districts in which the Oordoo language is current shall be required to take measures for introducing the use of the Nagri character in writing that language; and to report on the 1st January next the progress which has been made in that respect."

2. It will be proper for you, the Court observe, before taking any decisive steps to make enquiries on the subject, as to the mode in which the wishes of the Government to render all public proceedings intelligible to the people, may be fulfilled consistently with the disposal of the business of your court with due regularity and expedition. It will be expedient also that you put yourself in communication with the other authorities of the district, both judicial and revenue, in order to the adoption of a uniform system in all the branches of the public service.

3. The Court request you will postpone the report which was formerly required, to the 1st March next.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, 15*th November*, 1839.

Western Provinces, 16*th January*, 1840.

No. 58

Instructions regarding applications for copies of papers connected with suits pending before the native judges.

I AM directed by the Court of Sudder Dewanny Adawlut to communicate to you, for your observance, the following rules regarding applications for copies of papers connected with suits pending before the native judges.

2. Applications for copies shall be made to the native judges in whose courts the suits in which the papers were filed may be pending; and those officers shall decide on the propriety of complying with or rejecting such applications, on their own authority, and shall themselves authenticate the copies which they see fit to grant. The Court observe, however, that as regards final orders in miscellaneous cases, as well as all interlocutory orders, no option is possessed by those tribunals of rejecting the applications for copies which parties may desire to obtain, and to which they are entitled, from the moonsiffs on plain paper and from the courts of the other native judges upon the prescribed stamp.

3. When the records of suits decided by the native judges have been transmitted, in the prescribed manner, to the judge's office, applications shall be presented to and disposed of by the judge.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } 16*th November*, 1839.
Western Provinces, }

No. 59.

Rules to be observed, and mode of address to be adopted by native judges, when corresponding on matters of business with covenanted officers and natives of rank.

I AM directed by the Court to communicate to you the following instructions, in modification of those issued under date 1st December* 1837, No. 218, on the subject of the mode of address to be adopted by native judges when corresponding on matters of business with covenanted officers and natives of rank.

2. Principal sudder ameens and sudder ameens will correspond direct by roobakaree with all covenanted officers of Government, except the secretaries to Government, the Sudder Dewanny Adawlut, (with the exception of references in suits above rupees 5,000 referred to principal sudder ameens for trial under the provisions of Act XXV. of 1837,) the Sudder Board of Revenue, residents at foreign courts, agents to the Governor General, and all military officers.

3. As regards communications with the three first named authorities excepted by the preceding paragraph, and with military officers, the present practice is to be continued.

4. Whenever a principal or other sudder ameen may have occasion officially to address a resident at a foreign court or a Governor General's agent regarding any matter connected with a suit before his court, he shall transmit a simple Oordoo kyfeeut or statement of the particular matter on which he may desire a reference to be made, without the addition of any application or requisition on his own part to the judge to whom he may be subordinate, who on the receipt of such statement, will forward it to the resident or agent concerned, accompanied by an English letter containing such request or application as the nature of the reference may appear to call for, to be dealt with as the authority addressed may deem discreet and fitting.

* Issued in the Western Provinces under date the 9th February 1838.

5. Moonsiffs will, as heretofore, forward all communications which they may have occasion to make to covenanted officers, through the district judges to whom they may be subordinate.

6. The native judges of every grade will correspond direct with natives of rank.

7. In communicating these instructions to the native judges, you will of course impress upon them the propriety of observing a proper respect towards all natives of rank with whom it may be necessary to correspond on official matters, and addressing them in the form and style employed on like occasions by the European judge of the district. In like manner natives of rank will be required to pay proper respect to the native judges, adopting as a general rule the forms of address laid down in the Court's circular, No. 9, of the 6th July* 1838.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, 6th December, 1839.
Western Provinces, 16th January, 1840.

No. 60.

Transmitting two forms of certificates in English and Hindoostanee applicable to occasions of refund of stamp duty.

I AM directed by the Court to transmit to you, for introduction and use in your own and the subordinate courts, the accompanying forms of certificates, in English and Hindoostanee, applicable to occasions of refund, marked A, together with two tables marked B*, shewing in a general view, the mode of filling in such certificates in respect to all the descriptions of cases in which the stamp duty or a portion of it is refundable under the law.

2. You will be pleased, in future, invariably to adopt the form of certificate (A) now circulated, in notifying refunds authorised by your court to the collector, and also enjoin a careful observance of the same by the native tribunals, on whose proceedings it is calculated to afford a beneficial check, rendering it necessary for them to specify the particular law under which they may order a refund; and providing a security against the interests of Government being compromised by the issue of illegal orders. It should be explained to the individual functionaries that the form ب is only intended as a specimen for their guidance in preparing ا, which latter is the form to be used on each occasion of ordering a refund.

* In the Hindoostanee marked ا & ب
In the Bengallee marked ক & খ

3. You will further take care, whenever the collector may desire to inspect the stampt paper on occasions of refund, to comply with all requisitions to that effect on the part of that officer, prescribing also a similar compliance by the subordinate courts.

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* Issued in the Western Provinces under date the 7th September.

A.

Certificate for the refund of the Stamp Fees levied on Petitions; &c. as specified below.

Number of suit or petition and names of the parties.	Value of stamp and description of paper.	Amount of claim in suit.	Names of the parties receiving refund.	Amount refunded.	Under what Regulation, Section, and Clause, the amount is refunded.

B.

Example of Cases in which a refund is authorized by the Regulations.
Certificate for the refund of the Stamp fees levied on Petitions, &c. as specified below.

Number of suit or petition, and names of the parties.		Value of stamp and description of paper.	Amount of claim in suit.	Names of the parties receiving the refund.	Amount refunded.	Under what Regulation, Section, and Clause, the amount is refunded.
20	Gowree Dut, Agent to the Kotee of Ramjees and others, Appellants, *v.* Futtehchund, proprietor of the Kotee of Umlah Shunker Futtehchund, Respondent.	350 0 0 Petition of regular appeal.	11467 8 0	Gowree Dut, Agent of the Kotee of Ramjees and Ramnarain.	350 0 0	Razeenameh under Clause 1, Section 11, Regulation XIII. of 1810.
	Ramchund Bhut, Appellant, *v.* Shewsunker Bhut and others, Respondents.	150 0 0 Petition of regular appeal.	5000 0 0	Ramchund Bhut, Appt.	75 0 0	Razeenameh under Clause 2, Section 11, Regulation XIII. of 1810.
5126	Bhowaneepershaud, Appellant, *v.* Uhmud Yar and others, Respondents.	32 0 0 Petition of special appeal.	596 6 6	Bhowaneepersaud, Appt.	16 0 0	Rejected under Cl. 5, Section 2, Regulation XXVI. of 1814.
1767	Hurrypersaud, Appellant, *v.* Mr. Burges, Respondent.	32 0 0 Petition of regular appeal.	454 3 0	Hurrypersaud, Appt.	32 0 0	Remanded for re-trial under Clause 8, Regulation XIX. of 1817.
	Teekchund, one of the Respondents, petitioner.	100 0 0 A petition for review of judgment.	1155 1 0	Teekchund, Petitioner.	66 10 8	Rejected under Cl. 2, Section 2, Regulation II. of 1825.
	Shunkerdial, one of the Appellants, petitioner.	250 0 0 A petition for review of judgment.	8575 0 0	Shunkerdial, Petitioner.		Under Clause 4, Section 2, Regulation II. of 1825.

نقشہ بابت پھیر پانے قیمت کاغذ عرضی وغیرہ کی موافق تفصیل ذیل کے

مقدمے یا درخواست کا نمبر اور دونوں طرف کے نام	تعداد قیمت کاغذ اور قسم کاغذ کی	دعوی تعداد	روپیہ پانے والے کا نام	زر واپسی کی تعداد	کیفیت اِس بات کی کہ کس ضمن اور دفعہ اور قانون کے رو سے حکم پھیرنے قیمت کا ہوا

نقشه بابت پهیر پانے قیمت کاغذ عرضي وغیره کے موافق تفصیل ذیل کے

مقدمے یا درخواست کا نمبر اور دونو طرف کے نام	تعداد قیمت کاغذ اور قسم کاغذ کے	دعوی کي تعداد	روپیه پانے والے کا نام	زر واپسي کي تعداد	کیفیت اِس بات کي که کس ضمن اور دفعه اور قانون کے رو سے حکم پهیر نے قیمت کا هوا
۲۶ نمبر گوریدت گماشته کوٹهي رام جس وغیره } اپیلانتان فتح چند مالک کوٹهي اسا سنکر فتح چندر } رسپانڈنتان	[illegible] درخواست اپیل عام کے	[illegible] ۸/	گوریدت گماشته کوٹهي رام جس رام نراین	[illegible]	راضي نامه ضمن پهلا دفعه گیارهوین قانون تیرهوان سنه ۱۸۱۰ عیسوي کے رو سے
رام چند اپیلانت شیو شنکر بهٹ وغیره رسپانڈنتان	[illegible] اپیل عام کے درخواست	[illegible]	رام چند اپیلانت	[illegible]	راضي نامه ضمن دوسرا دفعه گیارهوین قانون تیرهوان سنه ۱۸۱۰ عیسوي کے رو سے
۵۱۲۶ بهواني پرشاد اپیلانت احمد یار وحسن یار وغیره رسپانڈنتان	[illegible] درخواست اپیل خاص کے	[illegible] ۰۶/	بهواني پرشاد اپیلانت	[illegible]	بنا منظور ضمن پانچوان دفعه دوسري قانون چهبیسوان سنه ۱۸۱۴ عیسوي کے رو سے
۱۷۶۷ نمبر هري پرشاد اپیلانت برجس صاحب رسپانڈنت	[illegible] اپیل عام کے درخواست	[illegible] ۳/	هري پرشاد اپیلانت	[illegible]	باز بنمبر دفعهٔ آٹهوین قانون وبیسوان سنه ۱۸۱۷ ع کے رو سے
تیک چند احد الرسپانڈنت سایل	[illegible] تجویز ثاني کے درخواست	[illegible] ۱/	تیک چند سایل	[illegible] ۱۰/۸ پائي	نامنظور ضمن دوسرا دفعه دوسري قانون دوسرا سنه ۱۸۲۵ عیسوي کے رو سے
شنکر دیال احد الاپیلانت سایل	[illegible] تجویز ثاني کے درخواست	[illegible]	شنکر دیال سایل		ضمن چوتها دفعه دوسري قانون دوسرا سنه ۱۸۲۵ کے رو سے

ক

নক্সা আরজি দিগর কাগজের মূল্য ফিরিয়া পাওয়ার বিষয়ে বিধির নিচের তপসীল—

মোকদ্দমার কিম্বা দরখাস্তের নম্বর আর উভয়ের নাম—	কত মূল্যের এবং কি রকমের কাগজ—	কতো দাবি	টাকা পাওনে ওয়ালার নাম।	ফেরত টাকার তায়দাদ—	কৈফিয়ত এই বিষয়ের যে কোন আইনের কোন ধারার কোন প্রকরণের দ্বারায় মূল্য ফিরিয়াদিবার হুকুম হইল—

খ

নক্সা আরজি দিগর কাগজের মূল্য ফিরিয়া পাওয়া বিসয়ে বিমজিম নিচের তপসিল—

মোকদমার কিম্বা দরখাস্তের নম্বর আর উভয়ের নাম।	কত মূল্যর এবং কি রকমের কাগজ।	কতো দাবি।	টাকা পাওনে ওয়ালার নাম।	ফেরত টাকার তায়দাদ।	কৈফিয়ত এই বিসএর যে কোন আইনের কোন ধারার কোন প্রকরনের দ্বারায় মূল্য ফিরিয়া দিবার হুক্ম হইল।
২৬ নং গৌরি দত্ত দিগর গোমাস্তা রামজসের জঠীর..... আপীলাণ্টান কীত্তচন্দু মানিক জঠী আসা সঙ্কর ফতেচন্দু..... রেস্পাডণ্ট	৩৫০) সদর আপীলের দর খাস্ত।	১১৪৬৭৷৷০	রামজস রামনারায়নের জঠীর গোমাস্তা গৌরিদত্ত।	৩৫০)	রাজিনামা— ইঙ্গরেজি সন ১৮১০ সালের ত্রিয়দষ আইনের একাদষ ধারার প্রথম প্রকরনের অনুজাই।
রামচন্দু .... আপিলাণ্ট সিবসঙ্কর ভট্টইত্যাদি ... ... রেস্পাডণ্ট গন	১৫০) সদর আপীলের দর খাস্ত।	৫০০০)	রামচন্দু আপীলাণ্ট	৭৫)	রাজিনামা— ইঙ্গরাজি সন ১৮১০ সালের ত্রিয়দষ আইনের একাদস ধারার দ্বিতিয় প্রকরন অনুজাই।
৫১২৬ নং ভবানিপ্রসাদ .... আপিলাণ্ট আহম্মদ এয়ার ওহসন এয়ার দিগর..... রেস্পাডণ্ট গন	৩২) খাষ আপীলের দর খাস্ত।	৫২৬৷৵১০	ভবানি প্রসাদ আপীলাণ্ট	১৬)	ইঙ্গরাজি সন ১৮১৪ সালের সতবিংসতি আইনের দ্বিতিয় ধারার পঞ্চম প্রকরনের অগ্যায্য অনুজাই।
১৭৬৭ নং হরিপ্রসাদ .... আপিলাণ্ট বিরজিস সাহেব .... রেস্পাডণ্ট	৩২) সদর আপীলের দর খাস্ত।	৪৫৪৵০	হরিপ্রসাদ আপীলাণ্ট	৩২)	ইঙ্গরেজি সন ১৮১৭ সালের উনবিংসতি আইনের অষ্টম ধারার অনুজাই পুনুরায় নংরে দাখিল হয়।
টেকচন্দু .... এক ব্যক্তি রেস্পাডণ্টগনের মধ্যে নিবেদক	১০০) পুনুবিচারের দরখাস্ত।	২১৫৫৵০	টেকচন্দু নিবেদক	৬৬৷৵৮ পাই	ইঙ্গরেজি সন ১৮২৫ সালের দ্বিতিয় আইনের দ্বিতিয় ধারার দ্বিতিয় প্রকরনের অগ্যায্য অনুজাই।
সঙ্করদয়াল .... আপিলাণ্ট গনের মধ্যে এক ব্যক্তি নিবেদক	২৫০) পুনুবিচারের দরখাস্ত।	৮৫৭৫)	সঙ্করদয়াল নিবেদক		ইঙ্গরেজি সন ১৮২৫ সালের দ্বিতিয় আইনের দ্বিতিয় ধারার চতুথ প্রকরনের অনুজাই।

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces, } *6th December,* 1839.
Western Provinces, }

No. 61.

Communicating instructions regarding the appointment and duties of pergunnah cazees.

WITH reference to the returns made to a recent order of the Court, calling upon the several zillah and city judges to furnish a list of the pergunnah cazees who happen to hold other appointments, I am directed to communicate to you the following observations and instructions for your information and future guidance.

2. No ministerial officer of a court or vakeel shall in future be eligible to a cazeeship; and no cazee to the situation of ministerial officer or vakeel.

3. The foregoing rule will not of course interfere with the instructions conveyed by the Court's circular No. 197 of the 13th January* 1837, by which the zillah and city judges were authorized to appoint the city and pergunnah cazees as ameens for the performance of the miscellaneous duties therein enumerated. Those duties being of an occasional nature, the performance of them cannot materially interfere with the discharge of the proper functions of the cazee's office.

4. With reference to the provisions of Clause 1, Section 8, Regulation XXIII. of 1814, cazees will of course be eligible to the situation of moonsiff; but you are requested to impress upon all incumbents of cazeeships on assuming the judicial character, that in the event of their ever becoming involved in unseemly disputes with the parties suing or sued in their courts, in respect of fees claimed by them for the performance of marriage ceremonies, affixing seals to documents, or doing other acts in their capacity of cazee, their removal from the office of moonsiff will necessarily ensue.

5. No cazee should be permitted to delegate any of his essential functions, such as the power of affixing the seal of office to documents, to an irresponsible agent not recognized by law, as the residence of a cazee at a distance from his nominal jurisdiction, and his appointment of a naib to act under his sunnud by proxy, are opposed to the obvious use and purpose of the office and irreconcileable with a due discharge of its duties.

6. The foregoing rule is not intended to prohibit the vicarious agency of a deputy in the performance of such acts, (for instance the solemnization of marriages when the parties are willing,) as may be legally done by others than cazees.

7. You are requested to take the necessary steps for making the cazees acquainted with the foregoing instructions.

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* Issued in the Western Provinces, 10th February.

TO THE ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 6th December, 1839.

No. 62.

Communicating observations and orders relative to the release from restraint of revenue defaulters by the courts under Clause 1, Section 16, Regulation XXVII. of 1803.

WITH a view of correcting an anomaly which has been found to exist in the operation of the existing law and rules of practice relative to the release from restraint of revenue defaulters by the courts, under Clause 1, Section 16, Regulation XXVII. of 1803, I am directed to communicate, for your information and guidance, the following observations and order.

2. The Court remark that by the clause in question it is provided that if any person on whom a demand for revenue shall have been made by the collector, shall deny the justice of the demand, and tender sufficient security, as well for the sum actually in demand, as for such further amount as may become due from the growing kists during the trial, and condition to abide by such decree as the court may pass, including all costs and charges in case the plaintiff or plaintiffs be cast, the judge shall issue a written precept, addressed to the tehseeldar or the collector, to withdraw the dustuk and peon from the plaintiff or plaintiffs in the cause.

3. The construction No. 330, dated 17th November 1820, (printed Construction Book, volume I. page 135,) ruled that all applications of the above nature from revenue defaulters must be in the shape of a regular suit.

4. By Section 3, Regulation II. of 1814, it is provided that whenever a petition of plaint may be preferred against a collector of land revenue for acts connected with his official duties, the judge shall transmit the petition so received to the Board of Revenue, in order that the Board may take into consideration whether the redress solicited should be granted, directly by Government, or whether complainant should be left to prosecute, in the regular course.

5. It is, however, obvious that the effect of the alteration caused by the enactment just recited and by the construction quoted above is to neutralize the benevolent intention of the original law of 1803, which provides for the speedy discharge of the defaulter from personal restraint on certain conditions; as, pending the necessary reference to the commissioner, and the receipt of his reply, which must be regulated by a report to be called for from the collector, so much time would elapse as to defeat the main object of any application under Clause 1, Section 16, Regulation XXVII. of 1803, viz. the early emancipation of the applicant from custody.

6. As the best mode of reconciling the anomaly, the Court are accordingly pleased to rule that persons, having filed a petition of plaint under the circumstances contemplated, shall be at liberty simultaneously to move the court by a miscellaneous petition to be relieved from restraint upon furnishing proper security.

7. Immediately on receiving such petition you are to forward a copy direct to the collector, requiring information as to the amount of the revenue demand against the applicant; and on the receipt of that officer's reply, and on the petitioner's furnishing good and sufficient security, as prescribed by the rule in question, he shall be forthwith set at liberty.

TO THE ZILLAH AND CITY JUDGES.

Lower Provinces,
Western Provinces, } *20th December*, 1839.

No. 63.

Instructions in respect to the entry, in the registers, of cases above Rs. 5000 in amount, retained by the principal sudder ameens under paragraph 13 of Circular No. 49, 20th September 1839.

I AM directed by the Court to forward to you, for your information and guidance, the annexed copy of a letter addressed under this day's date to the judge of Meerut by the officiating register of the Western Court, regarding the mode in which entries of cases above 5000 rupees in amount decided by principal sudder ameens, should be made in the register prescribed by the circular No. 14, of the 10th August* 1838.

Copy.

TO THE JUDGE OF MEERUT.

SIR,

I am directed to acknowledge the receipt of your letter No. 180, dated 28th ultimo, bringing to the notice of the Court that the retention by principal sudder ameens of the records of decided suits, exceeding in amount rupees 5000, for a term of six months, to enable them to execute orders of appeal, an arrangement directed by paragraph 13 of the circular dated 20th September last, No. 49, will interfere with the complete preparation of the register of suits required to be kept up by the Court's circular of 23d November 1838,† and suggesting, as an amendment, that it be ruled that all records of suits decided, of whatever amount, be transmitted monthly to the judge, the principal sudder ameen subsequently calling for any misl which might be required to execute orders of the Sudder Court.

† Issued in the Lower Provinces under date the 10th August 1838, No. 14.

2. In reply, I am desired to say that, independently of the course suggested being open to the objections of the divided responsibility it involves, and the liability of the

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Issued in the Western Provinces under date the 23rd November.

records to injury and loss in consequence of the transfer, the Court are not of opinion that the present rule will create any such interruption to the progress of the register as to make its alteration necessary.

3. The Court remark that the monthly report of decisions, which is required by paragraph 13 of the circular of the 20th September, to include suits above rupees 5000, will furnish ample materials for filling up the register, with the exception of the 7th column, which can only be filled in after a comparison of the monthly list with the original misl of each case in the judge's court. In respect therefore to cases above rupees 5000 in amount, retained by the principal sudder ameen under paragraph 13 of the circular, column 7 must be left blank, and in the column of "remarks" a note made of the purport given in the margin,* the principal sudder ameen being instructed to enter in the monthly report the number of papers in each such case, and the column being eventually filled up, as prescribed by the circular, on receipt, after six months, either of the original record, or, in cases which may have been appealed to the Sudder Dewanny Adawlut, of a copy.

* This case is with the principal sudder ameen agreeably to para 13 of the circular of 20th September 1839; he reports the number of papers comprising it to be—.

INDEX

TO

THE CIRCULAR ORDERS,

PASSED BY

The Sudder Dewanny Adawlut,

FROM THE END OF THE YEAR 1837,

TO

THE END OF THE YEAR 1839.

	Nos.
APPEALS.	
See Periodical Reports and Statements, ...	2
See Principal Sudder Ameens, ...	8
Modifying the Certificate No. 1, prescribed by the Circular Order No. 118, 24th October, 1834. Lower and Western Provinces, 24th August, 1838, ...	16
Rules regarding the receipt and admission on the files of the judge's court of regular appeals from the decisions of the subordinate judicial functionaries. Lower and Western Provinces, 28th September, 1838, ...	20
Supersession by Acts VII. and XXII. of 1838, of the provisions of Clause 2, Section 27, Regulation XXIII. of 1814, and the construction thereon, No. 870, of 21st February, 1834, relative to appeals. Lower and Western Provinces, 23d August, 1839, ...	46
Requesting particular attention to existing instructions relative to the proper course to be followed by the judge in taking up petitions of appeal, under Clause 3, Section 16, Regulation V. of 1831, and Act VII. of 1838, when the petitioner may not be in attendance in person or by vakeel. Lower and Western Provinces, 23d August, 1839, ...	47
ARBITRATORS.	
Appointment of arbitrators under construction of Sections 3 and 4, Regulation XXI. of 1803. Western and Lower Provinces, 12th October, 1838, ...	24
CAZEES.	
Measures prescribed for the better attainment of the objects of registration of deeds by pergunnah cazees. Lower Provinces, 28th September, and Western Provinces, 23d November, 1838, ...	21
Instructions regarding the appointment and duties of pergunnah cazees. Lower and Western Provinces, 6th December, 1839, ...	61

	Nos.
CIVIL CAUSES.	
Cases decided by the criminal authorities under the provisions of Section 6, Regulation VII. 1819, are not open to a civil action. Lower Provinces, 31st August, and Western Provinces, 13th November, 1838, ...	18
Rules to be observed by the civil courts for procuring the attendance of parties in cases remanded for further investigation or to be tried *de novo*. Western Provinces, 3d August, and Lower Provinces, 31st August, 1838, ...	19
Instructions regarding the legality of dividing a claim into several parts. An order passed on the execution of a decree, carrying out the original intentions of the decree, does not constitute a new cause of action. Lower and Western Provinces, 11th January, 1839, ...	29
CIVIL COURTS.	
Civil courts, in reversing sales of estates made in satisfaction of arrears of public revenue, not to declare the precise sum receivable by the auction purchaser as compensation, but merely to order the restoration of the former proprietor to possession with whatever mesne profits he may be entitled to receive for the period of his dispossession. Lower and Western Provinces, 10th August, 1838, [*since recalled,*]	15
Instructions regarding the extent of the powers vested in the civil courts, in putting auction purchasers in possession of property purchased by them on a requisition of the collector, under Clause 1, Section 28, Regulation XI. of 1822. Lower Provinces, 1st November, and Western Provinces, 13th December, 1839, ...	55
Communicating observations and orders relative to the release from restraint of revenue defaulters by the courts, under Clause 1, Section 16, Regulation XXVII. of 1803. Western Provinces, 6th December, 1839, ...	62
COPIES OF PAPERS.	
Instructions in regard to the description of documents, of which copies should be given to pauper plaintiffs on plain paper, under Section 8, Regulation XXVIII. of 1814. Lower and Western Provinces, 1st November, 1839, ...	56
Instructions regarding applications for copies of papers connected with suits pending before native judges. Lower Provinces, 15th November, 1839, and Western Provinces, 16th January, 1840, ...	58
COSTS.	
See Miscellaneous Cases, ...	13
DECREES.	
Revenue authorities to be furnished with copies of those decrees only which are final, and of which execution shall have been taken out. Lower Provinces, 5th October, 1838, ...	22
Prescribing rules for the observance of the subordinate courts in regard to the preparation of their final decrees, and transmission to the judge's courts of the records of decided cases by the inferior tribunals. Lower and Western Provinces, 20th September, 1839, ...	49
DUTIES OF ASSISTANTS, &c.	
Officers in charge of current duties of the office of civil and session judges, have the power of giving leave of absence for a limited term, in urgent cases, to the vakeels and amlah. Lower and Western Provinces, 11th October, 1839, ...	53

	Nos.
ENGLISH DOCUMENTS.	
Instructions in modification of paragraph 4, of the Circular Order No. 4, 23d February, 1838, regarding the cognizance by principal sudder ameens of suits in which English documents may form a part of the evidence. Lower Provinces, 18th, and Western Provinces, 31st October, 1839, ...	54
EXECUTION OF DECREES.	
Calling for a report of the practice observed in their districts in regard to the payment of money realized in satisfaction of the decrees of the moonsiffs' courts, together with such suggestions as they may have to offer on the subject, &c. Lower and Western Provinces, 22d March, 1839, ...	32
FINES.	
See Periodical Reports and Statements, ...	6
See Native Judges, ...	37
GLAZED DOORS AND WINDOWS.	
Instructions for the preservation and repair of glazed doors and windows. Lower Provinces, 31st May, and Western Provinces, 20th September, 1839, ...	35
INTEREST.	
Rule regarding interest or wasilaut accruing subsequently to the institution of a suit, and while it may be pending; and also regarding interest or wasilaut accruing from the date of the decree. Lower and Western Provinces, 11th January, 1839,	29
JUDGE'S OFFICE.	
See Duties of Assistants, ...	53
LANGUAGE.	
Transmitting copy of a resolution of Government, and requesting that measures be taken for substituting, for the Persian, the vernacular languages. Lower Provinces, 9th February, 1838, ...	3
Proceedings addressed to certain officers in the Hazareebagh division to be written in the Oordoo language. Lower Provinces, 23d November, 1838, ...	27
Instructions, in pursuance of the orders of Government dated 6th April, for the general introduction of the vernacular or Hindoostanee language in civil proceedings, in supersession of the Persian. Western Provinces, 19th April, 1839, ...	33
Resolution declaring the Oordoo to be the language of record in the Sudder Court, and containing further rules in regard to the introduction of the vernacular languages into the courts of justice. Lower Provinces, 5th July, 1839, ...	42
The introduction of the Nagri character in writing the Oordoo language to be gradually and cautiously effected. Lower Provinces, 1st November, 1839, ...	57
MISCELLANEOUS CASES.	
Rules which govern award of costs in regular suits to be considered equally applicable to miscellaneous cases. Western Provinces, 27th July, and Lower Provinces, 10th August, 1838, ...	13

	Nos.
MOONSIFFS.	
Directing the adoption of a form of statement, showing the quantity of business disposed of daily by the several moonsiffs. Western Provinces, 14th October, 1837.	1
See Periodical Reports and Statements, ...	10
Extending to moonsiffs the rule laid down regarding the mode of address in paragraph 2, Circular Order No. 64, 30th November, 1832. Western Provinces, 24th August, and Lower Provinces, 19th October, 1838, ...	25
MOHURRIRS (EXTRA.)	
Prescribing the rate of payment for copying proceedings in cases referred to the Sudder Court. Lower Provinces, 28th June, 1839, ...	40
NATIVE JUDGES.	
Allowances drawn by the native judges on account of stationery and establishment, should be bonâ fide appropriated to those purposes. Lower and Western Provinces, 2d March, 1838, ...	5
Forms of address to be observed by public functionaries in their correspondence with native judges. Lower Provinces, 6th July, and Western Provinces, 7th September, 1838, ...	9
Officers on the establishment of native judges not to be dismissed by them except on the score of misconduct or incapacity. Lower Provinces, 5th September, and Western Provinces, 5th October, 1838, ...	23
Native judges are competent of their own authority to realize fines imposed by them under Clause 1, Section 18, Regulation X. of 1829. Lower and Western Provinces, 7th June, 1839, ...	37
See Vakeels and Special Agents, ...	51
See Copies of Papers, ...	58
Rules to be observed, and mode of address to be adopted by native judges, when corresponding on matters of business with covenanted officers and natives of rank. Lower and Western Provinces, 16th November, 1839, ...	59
PAUPERS.	
See Copies of Papers, ...	56
PERIODICAL REPORTS AND STATEMENTS.	
See Moonsiffs, ...	1
Prescribing a new form of statement of appeals to be substituted for that prescribed by the Circular Orders of the 27th April 1832, No. 45. Western Provinces, 8th December, 1837, ...	2
Directing zillah and city judges to adopt and cause to be introduced into the subordinate courts the form of register of fines prescribed by the Nizamut Circular Order No. 4, of the 5th January, 1838. Lower Provinces, 6th April, and Western Provinces, 4th May, 1838, ...	6
Razeenamehs filed in moonsiffs' courts not to be drawn upon stampt paper. Cases adjusted or withdrawn, or decided on a confession of judgment, how to be entered in the periodical statements. Lower Provinces, 20th July, and Western Provinces, 3d August, 1838, ...	10
Authorizing entertainment of extra mohurrirs for keeping up the registers prescribed by Section 4, Regulation XVIII. 1793, and prescribing forms of registers. Lower Provinces, 10th August, and Western Provinces, 23d November, 1838, ...	14

	Nos.
Rules for the preparation of the monthly and annual civil statements, with new forms. Lower Provinces, 7th, and Western Provinces, 21st December, 1838,	28
Calling for an annual report on the register books. Lower Provinces, 8th March, 1839,	31
See Principal Sudder Ameens,	39
Instructions in regard to entry, in Statement No. 1, Part 1, of suits again brought on the file consequent on a summary appeal under Section 8, Regulation XXVI. of 1814, and Act XXII. of 1838. Mode in which additions are to be made to the appendix of Circular No. 28, vol. III. Lower and Western Provinces, 16th August, 1839,	45
Directing an addition to be made to paragraph 4 of the Circular No. 10, dated 20th July, 1838, regarding the mode of entering in the periodical statements, suits in which verbal representations may be made by the plaintiffs or their vakeels, of their having abandoned the prosecution of the suit from any cause. Lower and Western Provinces, 11th October, 1839,	52
See Stamp Duty,	60

PRINCIPAL SUDDER AMEENS.

Communicating orders with reference to Act XXV. of 1837. Lower and Western Provinces, 23d February, 1838,	4
Rules regarding the proper course of appeal from orders passed by principal sudder ameens in cases referred to them under Sections 1, 4, and 8, Act XXV. 1837. Lower and Western Provinces, 5th June, 1818,	8
Certificates forwarded by principal sudder ameens with their returns to the Court's precepts not to be drawn out in English when those officers are not acquainted with that language. Western Provinces, 20th July, and Lower Provinces, 10th August, 1838,	12
Principal sudder ameens not authorized to remand cases to sudder ameens and moonsiffs for re-trial, without the sanction of the judge. Such cases how to be entered in the periodical statements. Lower and Western Provinces, 14th June, 1839,	39
Principal sudder ameens required to conform to the practice of the zillah court in forwarding their certificates of appeal, and in making their returns to the Court's precepts under Act XXV. of 1837, substituting the vernacular for the English language. Lower and Western Provinces, 10th September, 1839,	48
See English Documents,	54

PUBLICATION OF SALE ADVERTISEMENTS.

Caution against delay in the publication of advertisements for the sale of estates on account of arrears of revenue. Lower Provinces, 10th August, and Western Provinces, 7th September, 1838,	11

PUBLIC PROPERTY.

Public functionaries bound to receive charge of public property when the officer in custody of it is prevented by any circumstance from retaining charge. Lower and Western Provinces, 23d November, 1838,	26

REGISTERS.

Instructions in respect to the entry, in the registers, of cases above Rs. 5,000 in amount, retained by the principal sudder ameens under paragraph 13 of Circular No. 49, 20th September, 1839. Lower and Western Provinces, 20th December, 1839,	63

	Nos.
See Periodical Reports and Statements, ...	14, 31

REVENUE DEFAULTERS.

See Civil Courts, ...	62

REVIEW OF JUDGMENT.

Communicating orders in regard to reviewing the decisions of a judge who has obtained leave of absence exceeding 6 months, and who is likely to remain absent in excess of that period. Lower and Western Provinces, 7th June, 1839, ...	38

SALES.

A decree-holder purchasing property brought to sale in satisfaction of his decree, may file his receipt for the amount of his claim in lieu of an equivalent amount of purchase money; provided the claims of other parties and the demands of Government for revenue, are not compromised. Lower and Western Provinces, 18th January, 1839, ...	30
See publication of Sale Advertisements, ...	11

SECURITIES.

Instructions in regard to fixing the time within which appellants must file security for costs. Lower and Western Provinces, 12th July, 1839, ...	43

SPECIAL AGENTS.

See Vakeels, &c.	41

STAMP DUTIES.

Calling attention to the printed Construction No. 325, which prohibits the admission as evidence of unstampt obligations written in merchants' and bankers' books. Lower Provinces, 11th May, and Western Provinces, 8th June, 1838, ...	7
Pointing out the consistency of the Circular No. 7, 11th May, 1838, and Construction No. 325, with Construction No. 592. Western Provinces 3d, and Lower Provinces, 31st August, 1838, ...	17
Directing that in future the stamps used in petitions of appeal which are remanded for further investigation, be forwarded to the collector for verification. Lower and Western Provinces, 10th May, 1839, ...	34
See Native Judges, ...	37
Transmitting for information copies of correspondence regarding discontinuance of the practice of forwarding to the stamp office, for examination, petitions of plaint filed in suits adjusted by razeenamch. Lower and Western Provinces, 2d August, 1839, ...	44
Transmitting two forms of certificates in English and Hindoostanee applicable to occasions of refund of stamp duty. Lower Provinces, 6th December, 1839, and Western Provinces, 16th January, 1840, ...	60

TRAVELLING ALLOWANCES.

Transmitting copy of a letter from the judicial secretary to the Government on the subject of travelling allowances to the amlah of officers in the mofussil, when on duty in the interior of their districts. Lower Provinces, 20th September, 1839,	50

UNCOVENANTED SERVANTS.	*Nos.*
Applications from uncovenanted servants for leave of absence. Lower Provinces, 7th June, 1839.	36
See Travelling Allowances, ...	50
VAKEELS AND SPECIAL AGENTS.	
Remuneration granted to a special agent not recoverable, by a successful suitor, from the losing party. Lower and Western Provinces, 28th June, 1839, ...	41
Transmitting extract of a letter from Government, authorizing the extension of the provisions of Regulation XII. of 1839, to all the courts in the North Western Provinces, except those of the moonsiffs. Western Provinces, 27th September, 1839, ...	51

F I N I S.

Calcutta: 1840.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, } *3d January,* 1840.
Western Provinces, }

No. 64.

Intimating the proper course to be followed on a party in a suit filing a deed written on paper not bearing the prescribed stamp.

I AM directed to acquaint you that it has been ruled by the Court, that any party, who may, from ignorance, inadvertence, or error, have filed, as the ground of his action, a deed executed on paper not bearing the stamp prescribed by the Regulations, and, consequently, inadmissible in its existing state, on his expressing a desire to be allowed an opportunity of rectifying his error, and having the defect remedied by an application to the revenue authorities in the usual form, for the purpose of having the proper stamp affixed, shall have a reasonable time granted him by the court, in which the suit may be brought, for effecting that object.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, } *6th January,* 1840.
Western Provinces, }

No. 65.

Communicating an amendment of part of the Circular Order, No 4. 23d February 1838, relative to appeals from decisions of the principal sudder ameens in suits above the value of 5000 rupees.

I AM directed to communicate to you, for the information and guidance of the principal sudder ameen of your district, an amendment of part of the Circular Order No. 4, dated 23d February 1838, as follows.

2. Paragraph 6 of that Circular prescribes that, on a petition of regular appeal from a decision of the principal sudder ameen, in suits above the value of rupees 5000, being presented to that officer direct, he is to make up the original record in the manner laid down in Section 11, Regulation VI. of 1793,* and transmit it with the usual certificate direct to the register of the Sudder Court.

* Section 11, Regulation V of 1803, for the Ceded Provinces.

3. The Court observe that, in framing the above rule, the purport of the Circular Orders quoted in the margin* appears to have been overlooked.

* No. 49, 18th May 1832, and No. 89, 28th June 1833.

4. The first of those Circulars had reference to the rules contained in Clause 2, Section 2, Regulation IX. of 1831, authorizing the confirmation of the original decision without summoning the opposite party or revising the whole proceedings, and it prohibited the courts, to whom a petition of appeal against the judgment passed by them might be presented direct, from either causing copies of the original papers to be made, or transmitting the originals until so directed by a precept from the Sudder Court.

5. The next quoted Circular, in indicating the mode in which the judges of the district tribunals were to receive and transmit to the Sudder Dewanny Adawlut appeals from decisions passed by them, enjoined the transmission of the following papers: viz. the petition of appeal with any documents filed therewith, under cover of a certificate and accompanied by a roobukaree, stating the names of the parties, with an abstract of the decree, the date of decision, and the date of preferring the appeal, with the grounds for considering that it was made within the prescribed period.

6. It being obvious, that a similar rule is applicable to the courts of the principal sudder ameens, as regards appeals, in regular suits above the value of rupees 5000, made to the Sudder Dewanny Adawlut, the Court, with the view of maintaining proper uniformity, are pleased to direct that you cancel the 6th paragraph of the Circular No. 4, dated 23d February 1838, and substitute in its place the amendment, annexed hereto, prescribing the proper mode of procedure for the future.

AMENDMENT.

Para. 6. All petitions for regular appeals from decisions of principal sudder ameens, in suits above the value of 5000 rupees, shall be made direct to this Court, or to the principal sudder ameen's. In the latter case the principal sudder ameen, in the event of the appeal having been preferred within the prescribed period,* shall transmit, as soon as practicable, to the address of the register of the Sudder Court, the petition of appeal with any documents filed therewith, under cover of a certificate bearing his official seal and signature, and accompanied by a roobukaree stating the names of the parties, with an abstract of the decree, the date of decision, and the date on which the petition of appeal was presented. The principal sudder ameen will abstain from causing copies of the original papers to be made, as well as from transmitting the originals, until so directed by a precept from the Sudder Court, when he will forward them with the precautions against injury from wet enjoined by the Court's orders noted in the margin,† depositing the copy of the record required to be made, for safe custody, in the record office of the judge.

* Vide Circular No. 16, dated 24th August 1838.

† Nos. 67 and 70, dated respectively 19th September 1823 and 21st May 1824.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces,
Western Provinces, } *17th January*, 1840.

No. 66.
Communicating the Court's construction

I AM directed to communicate the following rule, and to request that you will give proper instructions, with reference thereto, to the authorities concerned in your district.

2. It has been ruled by the Court that Sections 57, 58, and 59, of Regulation XXIII. of 1814, which prescribed local rules for the guidance of moonsiffs in Chittagong, and the special rules laid down in which were, by Section 73 of the same enactment, extended to sudder ameens in suits regarding the inheritance of, or succession to, landed property, having been rescinded by Clause 1, Section 6, Regulation V. of 1831, (which re-enacted in substance the rescinded Section 59 for the general observance of moonsiffs only,) the portion of Section 73 also, which declared their extension, must be considered as cancelled and null; and that consequently the rules in question have no application to the courts of sudder ameens or (under the first part of Clause 4, Section 18, Regulation V. of 1831) to principal sudder ameens.

that the rules in Sections 57, 58, and 59, Regulation XXIII. 1814, have no application to the courts of sudder ameens or principal sudder ameens, and that Section 73 of the same Regulation must be considered as cancelled.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, *Western Provinces,* } *24th January,* 1840.

WITH reference to the Circular of the Sudder Dewanny Adawlut, No. 36, dated 3d June 1813, which authorizes the employment of the native commissioners for the sale of distrained property as agents on the part of the zemindars, in distraining the property of defaulting tenants, I am directed to point out that, under the operation of Act I. of 1839, withdrawing from the moonsiffs the power to sell distrained property, and under the altered state of things generally caused by the present system, those officers can no longer exercise the authority contemplated by the Circular; and you are accordingly directed to prohibit the moonsiffs under your jurisdiction from acting in the capacity of agents under the Circular quoted, considering that part of it which confers such powers as cancelled.

No. 67.

With reference to the operation of Act I. of 1839, cancelling that part of the Circular Order No. 36, dated 3d June 1813, which authorizes the employment of moonsiffs, as agents on the part of zemeendars in distraining the property of defaulting tenants.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, *Western Provinces,* } *4th February,* 1840.

THE civil courts have been in the habit of calling on the treasurer of their establishment for reports regarding the trustworthiness of account books in the native language, as affecting the validity of claims which may be grounded thereon. But such a practice is opposed to Section 16, Regulation IV. of 1793,* which prohibits judges

No. 68.

Prescribing the course to be followed when the examination of account books in the native languages may become necessary in suits before the civil courts.

* Extended to Benares by Regulation VIII. 1795. The corresponding rules for the Ceded Provinces are contained in Sec. 17, Regulation III. 1803.

from obtaining a report of matters of fact relating to any cause depending before them, with a view to the passing of a decree, from any officer of the court or other person, except where special authority may have been conferred by any Regulation, or a reference may be made to the law officers on any point concerning Hindoo or Mahomedan law.

2. The Court are accordingly pleased to prohibit the practice alluded to, and to direct the observance of the following rule.

3. Whenever occasion may require the examination and scrutiny of native account books in any civil case, the European judges should, as far as possible, call in the aid of assessors for that purpose. In instances, however, where such a course may be deemed by them inexpedient, recourse should be had to the agency of ameens to be appointed at the expense of the plaintiff or defendant, as the case may be, whose duty it would be to inspect the books either at the mahajun's house or in court, as might seem fitting with reference to the circumstances of the case and the wishes of the parties. And the latter course should also be followed by the native courts, who are not authorized to employ assessors for the purpose stated.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, } *7th February,* 1840.
Western Provinces, }

No. 69.

Communicating, in continuation of Circular No. 197, dated 13th January (Western Provinces 1st February,) 1837, that ameens have the power, under Clause 3, Section 2, Regulation VII of 1825, of selling real as well as personal property in satisfaction of decrees.

I AM directed to communicate, for your information and guidance, in continuation of the Circular Order No. 197, dated 13th January* 1837, the following rule regarding the extent of the powers of ameens appointed under those instructions, to sell property in execution of decrees of court.

2. It has been ruled by the Court that ameens so appointed have the constructive power, under Clause 3, Section 2, Regulation VII. of 1825, of selling real as well as personal property in satisfaction of decrees.

* (Western Provinces 1st February.)

TO THE SEVERAL CIVIL AND SESSION JUDGES, AND THE MAGISTRATES AND JOINT MAGISTRATES.

Lower Provinces, 28th February, } 1840.
Western Provinces, 13th March, }

No. 70.

Circulating an extract of a letter from the Post Master General, regarding the tying up of parcels intended to be sent by dawk.

I AM directed to transmit, for your information and guidance, the accompanying extract from a letter, under date the 13th instant, from the officiating post master general, written in reply to one addressed to him by order of the Court, on the subject of certain parcels having been received in this office open at the ends. You are requested to attend to the suggestion of the officiating post master general in despatching parcels by the regular mail or banghy post, in future.

Extract from the Officiating Post Master General's letter.

"To prevent recurrences of this carelessness, I imagine it will only be necessary to call the attention of the district despatching officers to the subject, instructing them to sew up the ends (of banghy parcels) before sealing; for without this precaution, or without an outer tape tying, it cannot be expected that they will be able to bear the friction of the mail conveyance for hundreds of miles. I shall address a circular to the several post masters, enjoining them to be careful not to receive parcels insecurely fastened; and I hope this will serve to obtain security."

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, } *28th February*, 1840.
Western Provinces, }

No. 71.

Directing, with reference to the concluding paragraph of the Circular No 49, dated 20th September 1839, that when principal sudder ameens decide no suits above 5000 rupees in value, a note to that effect should be appended at the foot of the supplement to part 4 of the monthly civil statement No. 1.

THE certificate required by the concluding paragraph of the Circular No. 49, dated 20th September last, to be transmitted with the monthly civil statement No. 1, being only applicable to those months in which suits above rupees 5,000 in value may have been decided by the principal sudder ameen, but it being at the same time desirable, whenever that officer may have passed no decisions in suits exceeding that amount, that such information should be also exhibited in some shape on the statement, I am directed to acquaint you that the Court have resolved that, in the latter event, it will in future be sufficient for you to append a note to that effect at the foot of the supplement to part 4 of the statement alluded to, prescribed by paragraph 12 of the above mentioned Circular, which will apply to those months in which no decrees have been passed by the principal sudder ameen in suits exceeding in value 5000 rupees.

2. You will be pleased to add this letter as an appendix to the final paragraph of the Circular already cited.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, 6th March, } 1840.
Western Provinces, 1st May, }

No. 72.

Rules regarding the rates of allowance, payable respectively to persons who officiate as moonsiffs, and to those who are merely placed in charge of moonsiffs' offices.

I AM directed by the Court to forward to you, for your information and guidance, the annexed copy of a correspondence with the Government, on the rates of allowance payable respectively to persons who officiate as moonsiffs, and to those who are merely placed in charge of moonsiffs' offices.

From the Presidency Court to the Secretary to the Government of Bengal in the Judicial Department, No. 375, dated 7th February, 1840.

I am directed by the Court to request that you will bring to the notice of his honor the Deputy Governor that, under the rules cited in the margin,* an officer in charge of the current duties of a moonsiff's court gets half the moonsiff's salary, and an officer acting with full powers in the absence of a moonsiff on leave, or during his suspension, gets the same, which appears to the Court a very unequal rate of payment, with respect to the labor and responsibility of the two appointments. They would accordingly suggest that while the pay of the officiating moonsiff be left at the present amount, viz. one half the full salary or 50 rupees per month the remuneration of the officer in charge merely of the current duties should be fixed at a quarter of the salary of a moonsiff of the lower grade or 25 rupees per mensem, which the Court consider to be an ample allowance.

* Orders of Government 29th Jan. 1833, paragraph 6.
Court's Circular Order No. 156, dated 6th November 1835, paragraph 4.

2. Should his honor the Deputy Governor concur with the Court, it will be necessary to modify, to the extent proposed, the rules abovementioned.

3. The Court do not recommend any alteration of the present practice with regard to principal sudder ameens and sudder ameens, as the persons who officiate for them during temporary absence, are already in judicial employ as sudder ameens in the one case, and as moonsiffs in the other, and are not therefore in the same predicament as those who officiate either with full or limited powers in the courts of the moonsiffs.

Reply of the Government, No. 307, dated 18th February, 1840.

I am directed to acknowledge the receipt of your letter No. 375 of the 7th instant, and in reply to request you will inform the Court that the right honorable the Governor of

Bengal concurs with them in considering it would be expedient to reduce the remuneration allowed to persons in charge of the current duties of moonsiffs' offices from Company's rupees 50 to Company's rupees 25 per mensem.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, } 6th *March*, 1840.
Western Provinces, }

No. 73.
Rules regarding applications from native judicial officers for promotion.

THE rules published in the Calcutta Gazette of the 30th July 1836, provide for the promotion of every class of native judges according to their merits and qualifications. The Court have, notwithstanding, received numerous direct applications for promotion to vacancies, accompanied with original testimonials which required to be returned to the applicants. They have deemed it proper, therefore, to issue the following instructions, which you are requested to communicate to the subordinate judicial officers of your district.

2. Under the rules laid down by the Government, a record is kept in this office of the past services, merits, and qualifications of the native judicial officers of every class; and the authorities in charge of districts have been strictly enjoined to bring to the notice of the Court, in their annual civil reports, the names of those officers who have most exerted themselves within the year, and whose decisions and general conduct have proved most satisfactory. On the occurrence of a vacancy in any class of native judges, the claims of every officer are taken into consideration, and arrangements made accordingly.

3. Although the observance of these rules renders it unnecessary for the native judicial officers to bring forward their claims individually, still it should be understood that every officer is entitled to make such representations as he may think conducive to his interests to the superior authorities; and it will be incumbent on you to forward any representations of this nature, which those parties may desire to submit through the channel of your office, for the information and consideration of the Sudder Court.

4. The Court are further pleased to resolve that a similar indulgence should be extended to moonsiffs and such other functionaries as may have lost their situations on the abolition of the old system, or on the reduction of temporary offices in which they may have been employed, and who may be desirous of stating their hopes or expectations to the Court.

5. Any application, however, which may hereafter be forwarded by any native judges direct to the Court, will not be answered; and no documents which may be

received with such applications will be returned, except upon the application of the party, presented in the prescribed form and manner.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 3d April, 1840.

No. 74.

Forwarding translations in Bengalee and Urdu of the form of declaration prescribed by Act V. of 1840, with instructions for bringing the provisions of that law into operation.

WITH reference to the provisions of Act V. of 1840, I am desired to transmit to you the subjoined translations, in Bengalee and Urdu, of the affirmation enjoined to be taken by all Hindoo and Mahomedan deponents, and to request that you will make use of them, until further instructions, in regard to the carrying out of the provisions of the Act, shall be forwarded to you.

2. In the event of its being necessary to use the Bengalee form for Mahomedans, the term used to designate the Supreme Being by persons of that persuasion, will of course be substituted for that which now appears in the translation.

3. It is not required that the deponent should sign his name to any written affirmation, but he should merely read it out in court, or the declaration should be read out to him and repeated by him before giving his deposition, and at the heading of his written deposition it should be stated that he was sworn according to the provisions of Act V. of 1840.

4. Until general publicity has been given to the Act, the provisions of Section 2 should be clearly explained to persons giving evidence in your court.

میں ایمان سے خدا ے تعالی کے حضور میں اِقرار کرتا ہوں کہ اِس
مقدمہ میں میں سچ کہونگا بالکل جو جانتا ہوں سچ کہونگا اور سیوا ے
سچ کے کچھہ نہیں

میں دھرم سے پرمیشر کے حضور میں اِقرار کرتا ہوں کہ اِس مقدمہ میں
میں سچ کہونگا بالکل جو جانتا ہوں سچ کہونگا اور سیوا ے سچ کے کچھہ نہیں

আমি পরমেশ্বরকে প্রত্যক্ষ জানিয়া ধর্ম্মতঃ প্রতিজ্ঞা করিতেছি যে এক্ষনে জাহা কহিব তাহা সত্য ও সম্পূর্ণ সত্য হইবেক এবং সত্য ভিন্ন হইবেক না ইতি।

TO THE SEVERAL CIVIL JUDGES.

Western Provinces, 27th March, } 1840.
Lower Provinces, 10th April, }

No. 75.

Directing that communications between moonsiffs of the same district be carried on direct, and not through the intervention of the judge's court.

IT having been ruled by the Courts of Sudder Dewanny Adawlut, that moonsiffs within the same jurisdiction, who may have occasion to address each other, upon business before their respective courts, may do so by roobakaree direct, instead of communicating through the medium of the judge, I am directed to request that you will issue instructions to the moonsiffs under your control to the foregoing effect, for their future observance.

TO THE SEVERAL CIVIL AUTHORITIES.

Lower Provinces, } *10th April*, 1840.
Western Provinces, }

No. 76.

With reference to Circular No. 115, dated 26th September 1834, and to the orders of Government thereto annexed, intimating that when native judges from sickness may have exceeded the authorized period of absence during the usual vacations, they are not liable to a deduction of salary for the entire period of absence.

WITH reference to the Circular No. 115, dated 26th September 1834, and to the orders of Government thereto annexed, subjecting native judges who may exceed the limitation of the Mohurrum and Dusserah vacations, to a deduction of pay for the entire period of their absence, inclusive of those vacations, I am directed to acquaint you that Government have been pleased to sanction a relaxation of this rule in favor of officers, the prolongation of whose absence beyond the authorized period may be occasioned by sickness, and therefore unavoidable.

2. Absentees under such circumstances will not, in future, be liable to the penalty of a deduction of salary for the entire term of absence, provided they produce, on rejoining their station, a medical certificate of illness, in proof of their failure to return within the limit having proceeded from that cause.*

3. You will be pleased to inform the principal sudder ameen, sudder ameen, and moonsiffs of your districts accordingly.

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* By a Circular, issued by both Courts on the 27th October, 1840, under instructions from the Government, the 2d paragraph of this order was superseded by the following Rule.

"Para. 2. Any absentee under such circumstances, who, either before or after his return, can satisfy the zillah judge by a medical certificate, or otherwise, that he is or was unable, on account of sickness, to return within the proper time, will in future be exempt from deduction of salary; but if unable to account for his absence, beyond the fixed period, to the satisfaction of the judge, he will be subjected to the penalty of deduction of *his whole salary* for the period in excess of the vacation, the amount of salary for the term of vacation remaining untouched."

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces,
Western Provinces, } 16*th April*, 1840.

No. 77.

Intimating that security bonds for the eventual payment of costs of suits may be registered under the provisions of Regulation XX. of 1812.

I AM directed to acquaint you that it has been ruled by the Court, that security bonds for the eventual payment of costs of suits may be registered under the provisions of Regulation XX. of 1812.

2. You will be pleased to communicate this rule to the register of deeds in your district, for his guidance.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces,
Western Provinces, } 16*th April*, 1840.

No. 78.

Cancelling the Circular Order No. 15, dated 10th August 1838, which prescribes an alteration, in certain particulars, of the practice of the courts in suits brought against Government and the auction purchasers of estates sold for arrears of revenue.

WITH reference to the Circular Order of the Sudder Dewanny Adawlut, No. 15, dated 10th August, 1838, which prescribes an alteration, in certain particulars, of the practice of the civil courts in suits brought against Government and the auction purchasers of estates sold for arrears of revenue, I am directed to acquaint you that, in consequence of a communication of the wishes of Government to that effect, it has been deemed proper to recall the circular referred to, which you will hereby consider cancelled.

TO THE SEVERAL CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 24*th April*, 1840.

No. 79.

Authorizing the employment of extra mohurrirs, to be paid at section rates, for copying proceedings in cases appealed from the decisions of principal Sudder ameens to the Sudder Court.

THE employment of temporary mohurrirs, for the purpose of copying proceedings of cases appealed to the Sudder Dewanny Adawlut from the principal sudder ameen's courts, has, not hitherto, in these provinces, been more than occasionally requisite. As, however, under the operation of Act XXV. of 1837, and the extended powers thereby vested in those tribunals, there exists an obvious necessity for providing extra agency, in order to transcribe proceedings of appealed cases on occasions when the regular establishments of the principal sudder ameens may be unable, from pressure of business, to

perform that duty, and for determining in what mode such agency is to be remunerated, I am directed to communicate to you, with the sanction of the Government, the following rule.

2. Whenever appealed cases may be called for direct by the Court from the principal sudder ameen's court, and the latter officer may find his own establishment insufficient for making the required copies, he is to apply to you for permission to employ extra mohurrirs for that purpose, who will be remunerated at section rates, viz. 4000 words per Company's rupee for copying all proceedings, whether in the Urdu or Persian language.

3. The principal sudder ameen will specify, in the bill which he is to submit through you for audit, the proceedings which are charged for, and the number of words in each case, and each nuthee forwarded by the principal sudder ameen to the Court is to be accompanied with a memorandum under the signature of his serishtedar of the number of words contained in it, and the exact sum which has been paid for copying it.

4. You will be pleased to communicate instructions to the principal sudder ameen, accordingly; and you are further requested to report on the result of the system of remuneration now sanctioned before the 15th December next, to enable the Court to submit their own report to Government.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES.

Lower Provinces,
Western Provinces, 1*st May*, 1840.

No. 80.

Authorizing an alteration in the Circular Order No. 35, dated 31st May, (Western Court 20th September) 1839, regarding glazed doors and windows.

WITH reference to the Circular No. 35, dated the 31st May* last, I am directed to say that the concluding injunction of paragraph 3, of the Circular of the Military Board, dated 14th May annexed thereto, (as quoted in the margin,*) having been found open to objection, the Court are pleased to resolve that it be omitted, and you are accordingly requested to erase the words referred to, and consider them as cancelled.

2. As regards the mode of dealing with individuals placed in the predicament contemplated by that paragraph, the Court think it sufficient to leave the matter to the sense and discretion of the officer at the head of the department.

* "Such person should not be allowed to depart without making good the damage done."

* Western Provinces, 20th September.

TO THE SEVERAL CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, the 1st May, 1840.

No. 81.

Directing the judges to report the occurrence of vacancies in the list of moonsiffs of the first grade, with their opinion in respect to the officers best qualified to succeed.

IT being desirable that, whenever the contingency may occur of the death of any moonsiff enjoying the higher rate of salary conferred by orders of Government dated 2d October 1837, the circumstance should be immediately reported to the Court, who likewise deem it proper that they should possess the judge's opinion in respect to the officer in his district the best qualified to succeed to the distinction, should it appear expedient to make a selection from among moonsiffs of that district, I am directed to communicate to you the following rule.

2. Whenever a moonsiff in your district drawing the higher rate of salary may die, you will invariably submit to the Court a distinct report, independent of that relating to the vacation of the office of moonsiff, intimating that the above honorary distinction has fallen vacant, and stating at the same time your opinion, with the grounds for it, in respect to the moonsiff best qualified in your district, by character and qualifications, to be promoted to the dignity.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces,
Western Provinces, } *8th May,* 1840.

No. 82.

Prescribing rules for the observance of parties giving in stampt paper in order to obtain copies of decrees, and for regulating the procedure of the civil court in the same matter.

I AM directed to acquaint you, for the guidance of your own and the principal and other sudder ameen's courts, that it has been ruled by the Court that, as a general practice, the whole of the stampt paper required for the copy of a decree, should be given in at once by the party applying for such copy; but that, if only a portion has been given before the preparation of the decree the entire quantity required should be made up by the time the decree is ready for transcribing; and that no allowance, on the score of deduction in calculating the time for appeal is to be made for any delay which may occur, after that period, in completing the quantity of paper needed.

2. The decree nuvees is to certify on the back of each decree, as soon as it may be ready for transcribing, the date on which it was ready, and his having notified to the

party requiring the copy what quantity of additional paper may be needed for engrossing the same—procuring, at the same time, a written acknowledgment of such intimation on the back of the original decree by the party or his vakeel. Should neither the party nor his vakeel be in attendance, the decree nuvees is to report to the judge, who will record the fact, after ascertaining its correctness, for future reference.

3. From the period of this certificate, or from the date of the judge's order recording the absence of the party and of any person on his behalf, until the date of filing such additional stamp, no allowance will be made in calculating the period of appeal, and if, in transcribing the copy of the decree, it should be found that a further supply of paper is required, the same principle is to be followed in that case also. The latter contingency, however, I am desired to say, ought not to occur, provided due care be exercised by and enforced from the copyist, in allotting to the transcript the same space of paper as was occupied by the original decree.

4. The Court take this opportunity of observing that, owing to the want of the requisite information on the back of copies of decrees and orders appealed from, doubts have frequently arisen as to the precise time an appellant is entitled to claim as a deduction from the period prescribed for appealing, in consequence of the stampt paper given in for the copy of the decree or order remaining in the serishta of the lower courts, and also whether any delay which may have occurred is fairly attributable to the party petitioning for the admission of an appeal. The Court are accordingly pleased to direct that in future on the copy of every decree and order granted by you, you cause to be endorsed the particulars noted below, and that you strictly enjoin the observance of the same rule by the principal sudder ameen, sudder ameen, and moonsiffs, within your jurisdiction.

ON COPIES OF DECREES OR JUDGMENTS.

On the ——————— 1840, the original of this decree was signed.

On the ——————— 1840, A. B. plaintiff (or defendant, appellant or respondent, as the case may be) gave in so many sheets of stampt paper for a copy of the decree.

On the ——————— 1840, the copy was signed and sealed.

On the ——————— 1840, the copy was delivered to ———

On the ——————— 1840, copy of the decree was prepared and delivered to the pauper or other party, or, owing to his refusal to take it when tendered, deposited among the records*.

OR:

On the ——————— 1840, the pauper or other party failed to attend, after due notice, in person or by vakeel; and the copy was accordingly deposited among the records.

* Where a pauper may be party, or where the decree may have been passed in a moonsiff's court.

ON COPIES OF ROOBAKAREES.

On the ———— 1840, this roobakaree was signed.
On the ———— 1840, A. B. plaintiff (or defendant, appellant or respondent, as the case may be) applied for a copy of this roobakaree,
On the ———— 1840, so many sheets of stampt paper were given in.
On the ———— 1840, this copy was signed and sealed.
On the ———— 1840, this copy was delivered to ————

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, } *8th May,* 1840.
Western Provinces, }

No. 83.

Rule for effecting the sale of property situated in a different jurisdiction from that in which the decree was passed.

WITH reference to the construction No. 1000, by which it was ruled that the court which issues a process for the sale of property in another jurisdiction, shall dispose of the objections which may be taken to such order, I am directed to inform you that the Court have been pleased to prescribe the following rule for future observance.

2. Upon ascertaining that an application for the sale of property lying in another jurisdiction, should be complied with, the application shall be transferred to the judge of the district, in which the property to be brought to sale is situated. The whole of the proceedings consequent thereon, as well as any incidental investigations, shall be conducted by that officer, in the same manner as the court issuing the process would have done, had the property been situated within the limits of its own jurisdiction.

3. This rule shall be applicable to all sales, whether made with or without the intervention of the revenue authorities.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, 15*th May,* } 1840.
Western Provinces, 20*th March,* }

No. 84.

Establishing a fixed rate of travelling for native judicial officers transferred from one district to another.

A CASE of recent delay in the transit of a moonsiff, under orders of removal from one district to another in the same capacity, having led the Court to consider the propriety of establishing by authority some fixed and certain general rate of travelling for native judicial officers so transferred, I am directed, under sanction of the Government, to communicate to you the following rules, and to request that you will make them known to the officers concerned, for their guidance.

2. The Court are pleased to fix the general rate of progress at 5 kos (or 10 miles) a day, Sundays excepted, with an allowance, in addition, of one week, to afford time for the necessary arrangements being made consequent on removal; and as natives usually travel a daily distance considerably in excess of this rate, the allowance thus made is considered amply sufficient.

3. Such period of one week, with the addition of a certain time, calculated at the above rate, will thus constitute the entire interval allowed for transit, in the event of exceeding which, the functionary will be considered as absent without leave, and unentitled to any salary for the term of such excess.

4. Should an officer so transferred obtain leave for any additional period, over and above the licensed term, from the presiding authority in the district to which he may be proceeding, he will be subject to the usual deduction of salary for the time exceeding that allowed for transit.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 15th May, 1840.

No. 85.

With reference to Act V. of 1840, transmitting with instructions how to administer the same, a translation of the affirmation enjoined to be taken by all Hindoo and Mahomedan deponents.

WITH reference to the provisions of Act V. of 1840, I am directed to transmit to you the subjoined translation, in Urdu, of the affirmation thereby enjoined to be taken by all Hindoo and Mahomedan deponents, and to request that you will make use of the same, until further instructions, in regard to carrying out the provisions of the enactment, shall be forwarded to you.

2. You will of course understand that the terms of the Act referred to are imperative in prescribing the future exclusive use of the form of affirmation contained in it, and entirely supersede the administration of oaths on the Koran, or Ganges water, or any other symbol heretofore in use. The services, therefore, of the gunga jullees and moolah kooranees of the several establishments appear to be no longer required.

3. It is not required that the deponent should sign his name to any written affirmation; he should merely read it out in court, or, if unable to read, the affirmation should be read out to him, two or three words at a time, by the presiding authority or by one of his head ministerial officers, and repeated by the deponent before giving his deposition, at the head of which it should be stated that he was sworn according to the provisions of Act V. of 1840.

4. Until general publicity shall have been given to the Act, the provisions of Section 2 should be clearly explained to persons giving evidence in your court.

5. The translation is of course liable to be modified or superseded upon receipt of the authoritative version made by the Government translator.

FOR MUSSULMANS.

مٹیں ایمان سے خدا ے تعالیٰ کے حضور مٹیں اِقرار کرتا ہون کہ اِس مقدمہ مٹیں مٹیں سچ کہونگا بالکل جوٗ جانتا ہون سچ کہونگا اوٗر سیوا ے سچ کے کچھہ نہین

FOR HINDOOS.

مٹیں پرمیشر کے حضور مٹیں اِقرار کرتا ہون کہ اِس مقدمہ مٹیں مٹیں سچ کہونگا بالکل جوٗ جانتا ہون سچ کہونگا اوٗر سیوا ے سچ کے کچھہ نہین

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, *Western Provinces,* } 29*th May,* 1840.

No. 86.

Cancelling the final paragraph of the Circular Order No. 60, dated 6th December 1839, regarding the transmission of stamps to the collector, in all occasions of a refund being ordered.

PARAGRAPH 3 of the Circular of the Sudder Dewanny Adawlut No. 60, dated 6th December* last, appearing calculated to induce the inference that the civil courts are not to forward to the collector the stampt paper on which the petition of plaint is written in cases adjusted by razeenamah, unless expressly called for by that officer, I am directed to inform you that it was not meant thereby to alter or disturb the practice of transmitting to the collector's office the original petitions of plaint on all occasions of a refund being ordered, which is in force under existing Circular Orders, and to request, therefore, that you will consider the final paragraph of the Circular No. 60, above referred to, as cancelled.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, 12*th June,* *Western Provinces,* 24*th April,* } 1840.

No. 87.

Providing for the protection of the interests of Govern.

I AM directed to communicate to you the following rule which it has been resolved, in accordance with a suggestion of the Sudder Board of Revenue for the North Western Provinces, to adopt, with a view of protecting the interests of Government in respect to

* Western Provinces, 16th January.

stamp duty in pauper suits before the moonsiffs, who are empowered to try such suits when referred to them by the judge, but have no pleaders on the part of Government attached to their establishment.

ment in respect to stamp duty in pauper suits before the moonsiffs.

2. Whenever a pauper's suit may have been referred for trial and decision to a moonsiff, you will be careful to instruct him invariably to forward to your court a copy of his decree, for the information of the Government pleader in the zillah court, in order that the latter may take the necessary steps for asserting the rights of Government, in pursuance of directions which he will receive to that effect in the Revenue Department.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 19th June, 1840.

No. 88.

Communicating instructions for giving better effect to the use and object of the quarterly report of unanswered requisitions required to be made to commissioners, concerning execution of decrees, by the Circular Order No. 127, dated 12th December 1834.

THE Circular No. 127, dated 12th December 1834, (recapitulated in the appendix to Circular No. 28 of 21st December 1838,) paragraph 4, directs that, in pursuance of the order of Government communicated therewith, the judge shall forward a quarterly statement, drawn out in a prescribed form (B) of requisitions relating to decrees of court unexecuted by the collector, to the commissioner of revenue of the division to whose authority such collector is subject. In the same paragraph it is added that this statement need not be submitted to the Sudder Court, but that any unexplained delay is to be brought by the judge specially to their notice.

2. The Court, however, have reason to believe that the rule requiring the transmission of the quarterly report referred to is by no means strictly or regularly observed, and that, by many judges, the statement is not forwarded at all. It is also deemed expedient that the record in question should henceforward be subject to the revision of the Court.

3. I am accordingly directed to call your particular attention to the duty of the punctual transmission of this periodical statement, in fulfilment of the orders of Government and of the Court, and to request that you will in future, on each occasion of so forwarding it, invariably submit a copy for the information of the Court, by whom it can then be examined, and the necessary steps taken to check any irregularity in the judge's or collector's offices. Your first report under these orders will be made for the quarter ending 30th instant.

4. You will be pleased, according to paragraph 4 of my letter dated 16th August 1839, No. 45, to attach this Circular as a supplement to the appendix to No. 28, of 21st December 1838, in the mode and with the observance of the rule therein laid down.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 19*th June,* 1840.

No. 89.

Directing that the futwas and bewustas annually forwarded to the Court, and the certificates of principal sudder ameens appended to the monthly civil statements, be written on paper of English manufacture.

I AM directed by the Court to request that you will cause the futwas and bewustas of the law officers of your court, which are annually forwarded to this office, to be transcribed in future on paper of English manufacture.

2. The same rule is to be applicable to the certificates of principal sudder ameens, which are appended to the monthly civil statements under paragraph 14 of the Circular Order, No. 49, 20th September 1839.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces,
Western Provinces, } 19*th June,* 1840.

No. 90.

Rule of procedure when the defendant in a regular suit may plead that the plaintiff has under-rated the value of the property sued for.

I AM directed by the Court to request that, whenever the defendant in a regular suit may plead that the plaintiff has under-rated the value of the property sued for, either with a view to evade the stamp duty, or to render the suit not cognizable in appeal to the Queen in council, you will, before the pleadings are completed,* make such enquiry as you may deem proper, for the purpose of ascertaining the correctness of the allegation, and that, having done so, you will pass an order accordingly, leaving the party, who may be dissatisfied therewith,† to prefer a summary appeal therefrom to this Court.

2. You will have the goodness to communicate this order to the principal sudder ameen of your district.

* Vide Article 8, Schedule B, Regulation X. 829, and Construction No. 1046.

† Vide Clause 1, Sec. 4, Regulation XIII. 1808.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 3*d July,* 1840.

No. 91.

Prohibiting the native judges from deciding undefended and other easy suits out of their course, and enjoining them to

I having been brought to the notice of the Court that some principal sudder ameens, sudder ameens, and moonsiffs have been in the habit of selecting undefended suits and other cases easy of decision, without reference to the number on the file or the date of institution, and deciding the same in order to make up the number of suits prescribed by the Circular Orders, and expected by the Court to be disposed of by those officers, I am directed to

call your attention to the subject, and to request that you will ascertain whether this objectionable practice obtains in your district, and, if so, that you will strictly prohibit the same, and direct the uncovenanted judges to bring on the causes depending in their respective courts, for trial, according to the order in which they may have been filed.

bring on depending cases for trial according to the order of their institution.

2. You are requested, after due enquiry, to report to the Court what has been the practice in your district on this subject.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER PROVINCES, AND THE GOVERNOR GENERAL'S AGENT AT HAZAREEBAGH.

Lower Provinces, } 10*th July*, 1840.
Western Provinces, }

No. 92.

Correcting an error in the Persian translation of a portion of Article 7, Schedule A, Regulation X. of 1829, regarding stamps.

UNDER the authority of Government, I am directed by the Court to bring to your notice, with a view to its correction, an error pointed out by the judge of Meerut, in the Persian translation of a portion of Article 7, Schedule A, Regulation X. of 1829, as indicated in the subjoined extract in English and Persian; and as the result of the mistranslation is stated by Mr. Glyn to have been prejudicial in practice, by misleading many persons and inducing them to procure for bonds, &c. stamps of higher value than are authorized by the English Regulation, the Court request that you will carefully rectify the error in your own office, and make the necessary communication to the subordinate courts and the public.

Extract from Article 7, Schedule A, Regulation X. of 1829.

	Rs.	
Ditto 500 Rs. and not exceeding 1000 Rs.	6	ے ودرزائد ازپنج صد تا یکهزار
Nothing in English to correspond with		۷ میان آنها قیمت کاغذش
Ditto 1000 ditto ditto 2,000...	10	ہ ودرزائد ازیک هزار تا دوهزار ـــ

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, 17*th* } *July*, 1840.
Western Provinces, 31*st* }

No. 93.

Directing the principal sudder ameens to state in their proceedings, both in regular and miscellaneous cases, whether the suit is for an amount above or below 5,000 Rupees.

IT being an object to ascertain readily whether appeals preferred to this Court from the decisions of the principal sudder ameens, are admissible under Act XXV. 1837, I am directed to request that you will instruct the officers of that class under your control to state in every proceeding they hold, both in regular and in miscellaneous cases, whether the suit is for an amount below or exceeding 5,000 Sicca Rupees.

TO THE SEVERAL CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 31*st July*, 1840.

No. 94.

Directing principal sudder ameens in cases tried under Sections 1, 5 and 7 of Act XXV. of 1837, to exhibit in a prominent and uniform manner, in the decree or final order, information regarding the amount of the suit.

IT being desirable that in cases tried by principal sudder ameens under Sections 1, 5, and 7 of Act XXV. 1837, the decree or final order should exhibit in a prominent and uniform manner information regarding the amount of the suit, the Court are pleased to prescribe the adoption in future, by officers of that grade, of the forms of decree and final order (applicable to regular and miscellaneous cases respectively) sent herewith; and you are requested to communicate the necessary instructions on this point to the principal sudder ameen of your district.

سنه ۱۸۳۴ عیسوي

اجراے ڈکري صدر امین

تعداد ڈکري

استامپ

متفرقه ابتداء

العبـــــــــد
بچوري مکند سکهه
صدر امین اعلی

مهر عدالت
صدر امین اعلی ضلع
اگره سنه ۱۸۳۳ عیسوي
मोहर आदालत सदर
अमीन आला जिला आ
गरा सन १८३३

نقل مطابق اصل
العبـــــــــد
بنسي دهر محافظ دفتر
عدالت ديواني

ضلع اگره

حکم

روبکاري عدالت ديواني کچهري صدر امين اعلیٰ ضلع اگره کي
بچوري مکند سکهه صدر امين اعلیٰ کي اجلاس ميں تاريخ نينيسوين
مے سنه ۱۸۳۴ عيسوي

دعوي يکقطعه باغ واقع قصبهٔ بندرابن کا مع اُسکي متعلق زمين کے
بنام رام لعل مدعیٰ علیه کے دعوي عذرداري ما

نب کيشورتها کرگوپي ناتهه جي کي مندر کا سربراه کار سايل

رادهيکا داس اور رتنداس اور چيتن
داس مدعي رهنے والے بندرابن کے

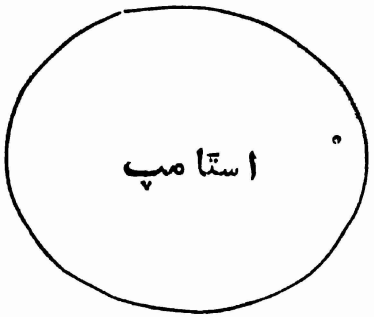
اِس مقدمے ميں عذردار نے عذرداري کا سوال اِس مضمون سے
گذرا نا که کوئي جايداد مدعیٰ علیه کي بندرابن ميں نهين هے اور
اِملاک اور اراضي باغ کي تهاکرگوپي ناتهه جي کي مندر کے متعلق
هے اور امدني اُسکي هميشه سے اُسي مندر کے خرچ رهتي آئي هے
آخر تک

اگر ذکري صدر ديواني يا صاحب جج يا صدر امين
اعلیٰ يا منصف کے هوتو چاهئے که بعد لفظ اجراے
ذکري کے لفظ صدر ديواني يا صاحب جج خواه
صدر امين اعلیٰ يا منصف جس حاکم کے هو لکهے
جاوے ا

سنه ۱۸۳۵ عیسوي

نمبري ابتداء

نمبر ۱۵۴



العبـــــــــد
محمد صدرالدین
خان صدر امین
اعلیٰ

صیغهٔ منصفي

مهر عدالت
صدر امین اعلیٰ ضلع
دهلي سنه ۱۸۳۳ عیسوي
मोहर अदालत सदर
आमिन आला जिले देह
ली सन१८३३ईसवी

ضلع دهلي

نقل مطابق اصل
العبـــــــــد
فیض الله سرشته دار

فیصله

ذکري عدالت دیواني کچهري صدر امین اعلیٰ ضلع دهلي مولوي محمد صدرالدین خان صدر امین اعلیٰ کي اِجلاس میں تاریخ ایکیسوین جون سنه ۱۸۳۸ عیسوي مطابق سولهوین اساڑه سنه ۱۲۴۵ فصلي کي روز جمعه

دعوي دوسو پچپن روپیے کا بموجب دستاویز مالضامني مورخهٔ سولهوین اکتوبر سنه ۱۸۳۳ عیسوي مطابق بارهوین جمادی الثاني سنه ۱۲۴۹ هجري کے

راي صاحب رام شاہ اودہ کے املاک کا مختار مدعي — محمد عبد اللہ وکیل

پنڈت نراین داس وغیرہ مدعی علیہ — پنڈت ہیرا لعل وکیل

مقدمہ یہہ ہی کہ سنہ ۱۸۳۵ عیسوي میں جون کي تیسوین کو مدعی نے اُسي دعوي سے جو اُوپر لکھا گیا ہی صرف مالضامن کے نام بے شمول مستاجرون کے عدالت میں عرضي گذراني اُسکي بیان کا خلاصہ یہہ کہ رادھاکشن اور پرکاس داس موضع کرکري متعلقہ ہول سرکار شاہ اودہ کي ٹھیکہ دارون نے آخر تک

اگر تعداد دعوي ہزار روپیے سے زیادہ تو العبد کے محاذي میں صرف تعداد دعوي اور اگر تین سو روپیے سے اُوپر ہو اور ہزار روپیے سے زیادہ نہو تو لفظ صیغۂ صدر امین اور تعداد دعوي لکھا جاوے

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES.

Lower Provinces, 7th } *August*, 1840.
Western Provinces, 28th }

No. 95.

Circulating an extract from a despatch from the Hon'ble the Court of Directors, relative to the imposition of heavy fines upon native servants of Government drawing small allowances.

I AM directed by the Court to transmit to you, for your information, an extract from a despatch from the Honorable the Court of Directors, relative to the imposition of heavy fines upon native servants of Government drawing small allowances.

Extract from a despatch from the Honorable the Court of Directors, under date the 11th February, 1840.

"We have on former occasions expressed our strong objection to the imposition of heavy fines upon native servants, as involving them in pecuniary difficulty, and inducing them to resort to improper practices for the purpose of indemnification. It appears to us that the preferable course is, when an officer refuses to do that which his official duty requires of him, to transfer at once the office to a more obedient holder."

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, 14*th August,* } 1840.
Western Provinces, 4*th September,* }

No. 96.

Directing the insertion, in all decrees passed in appeal, of the date on which the suit was referred to the subordinate court for trial.

I AM directed by the Court to request that you will invariably insert, in all decrees passed by you in appeal, the date on which the suit was referred to the subordinate court for investigation and trial.

2. You will further be pleased to require the uncovenanted judges to insert the same information in their original decisions in such suits.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES, THOSE OF PATNA, DACCA, MOORSHEDABAD, AND THE 24-PERGUNNAHS EXCEPTED.

Lower Provinces, 21*st August,* 1840.

No. 97.

Transmitting rules passed by the Governor General in Council for the examination of candidates for the office of moonsiff, with forms of certificates.

I AM directed to transmit to you the accompanying copy of rules, passed by the Right Honorable the Governor General in Council, for the examination of candidates, with a view to the selection of a better class of persons for the office of moonsiff, and to inform you that Patna, Moorshedabad, Dacca, and Calcutta, have been selected by the Government as the most eligible stations at which to hold the periodical examinations.

2. You are requested to communicate the rules* to all the uncovenanted judges of your district, and to call the particular attention of the moonsiffs to the 10th rule.

3. I am desired to add that the Court have fixed the 1st November next for the first examination. The second examination will be held in the month of January 1841, after which they will be held half yearly in the months of January and July. You are requested to give the widest publication of the day fixed for the first examination.

4. With reference to the 3d rule, a form of application† from candidates desirous of being examined is herewith forwarded. A form of certificate† is appended, which, after making the necessary enquiries, and satisfying yourself that there is nothing against the character of the candidate, you will fill up, and forward to the examining committee, informing the candidate that you have done so. This information should be given to the candidate in writing as his authority to appear before the committee.

* A translation of the rules in Bengalee appeared in the Bengalee Gazette. To the judges of the districts in which Urdu is in use and to the judge of Cuttack, translates in Urdu were forwarded.

† See the next page. The "certificate" is given according to the latest orders, regarding which see the note at page 124.

FORM OF APPLICATION AND CERTIFICATE.*

The application of *inhabitant of*

Whereas I am desirous of becoming a Candidate for the situation of Moonsiff, I request that, after making the necessary enquiries, you will grant me a Certificate prescribed by the Rules for the examination of Candidates, dated the 4th August 1840, *and published in the Gazette of the* 15*th Idem.*

(Signed) ————————

1.	2.	3.	4.	5.	6.	7.	8.
Name of the Applicant and that of his Father.	Age.	Religion and Caste.	Family residence, viz. Town or Village, Pergunnah and Zillah.	Statement of past employment in the service of Government.	Statement of landed or other property belonging to the nominee, and where situated.	Statement of whether the Applicant is a Debtor or Creditor of other parties, and if so, the place of residence of his Debtor or Creditor.	Certificate of the Judge.
							I do hereby certify, that I have satisfied myself that the bearer of this Certificate ———— is a man fully fitted, by respectability and good character, to fill the office of Moonsiff, and, from enquiries I have made, I have every reason to believe that he is qualified, from his past conduct and general information, to enjoy the privilege of examination for the office of Moonsiff.

Zillah ————

The ———— 184 .

————,

Judge.

REMARKS OF THE SUDDER COURT.

* By a Circular of the Presidency Court dated 29th April 1841, it was intimated that the forms were to be filled up in English, and then forwarded to the Court for transmission to the respective examination committees.

TO THE JUDGES OF DACCA, MOORSHEDABAD, 24-PERGUNNAHS, AND PATNA.

2.* You will observe that the commissioner of the division, the magistrate, and the principal sudder ameen of your district, have been associated with you in the formation of an examination committee. You are requested to ascertain and report, in conjunction with the commissioner, the names of any other gentlemen, at the station, who might with advantage be nominated members of the committee.

4. As directed in the 2d rule, you will be careful not to receive any applications from candidates for examination, but invariably to refer them to another judge of the division.

5. You are requested to report to the Court, before every periodical examination, the number of candidates whose applications have been received. On the receipt of this report, which should reach them at least six weeks before the date fixed for the examination, the Court will furnish the committee with instructions for conducting the examination, as well as the examination papers and forms of diploma for successful candidates.

6. You are requested to take proper measures for giving publicity to these rules, and to communicate them to all the uncovenanted judges of your district. The attention of the present moonsiffs should be particularly directed to the 10th rule.

7. A copy of the instructions issued to the zillah judges generally, and of the forms therein alluded to, is herewith forwarded for your information.

TO THE COMMISSIONERS OF THE 11TH, 14TH, 15TH, AND 18TH DIVISIONS.†

I AM directed to forward herewith a copy of the rules, passed by the Right Hon'ble the Governor General in Council, for the examination of candidates for the situation of moonsiff, together with an extract (para. 2) from a letter No. 1083, dated 30th June last, from the secretary to the Government of Bengal, from which you will observe that you have been nominated a member of the committee of the Patna* division, for the examination of candidates for the situation of moonsiff.

* Dacca, Moorshedabad, or Presidency.

* Paragraphs 1 and 3 of this Circular corresponded with the same paragraphs of the preceding one, and therefore are not inserted.

† The 1st and 2d paragraphs of this Circular were communicated to the magistrates and principal sudder ameens of Patna, Dacca, Moorshedabad, and the 24-Pergunnahs.

2. I am desired to add that the Court have fixed the 1st November next, for the first examination. The second examination will be held in the month of January 1841, after which they will be held half yearly in the months of January and July.

3. I am further directed to transmit to you a copy of a letter this day addressed by order of the Court to the judge of Patna;* and to request that you will, in conjunction with that officer, favor the Court with the names of any other gentlemen at the station, who might be associated with the committee in conducting the periodical examinations.

* Dacca, Moorshedabad, or 24-Pergunnahs.

Extract from a letter from the Secretary to the Government of Bengal to the Presidency Court, under date the 30th June 1840, No. 1083.

Para. 2. The four stations alluded to in the *first* rule, may, his lordship thinks, be fixed at Patna, Moorshedabad, Dacca, and Calcutta. The ex-officio members of the committees will be the officers named in the rules, and the Governor will be glad to receive the suggestions of the Court for the nomination of non-official members of the committees

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Rules for the Examination of Candidates for Moonsiffships, passed by the Right Honorable the Governor General in Council, under date the 4th August 1840.

First. That at each of three zillah stations in the North Western Provinces and four in Bengal, to be selected by the Governments of those Presidencies respectively, there be appointed a divisional committee of examination, consisting ordinarily, besides such person or persons as the Government may think fit, of

1. The commissioner of the division in which the station is situated ;
2. The zillah judge ;
3. The magistrate ;
4. The principal sudder ameen or principal sudder ameens of the station.

Secondly. That all candidates for moonsiffships be required to send in their applications for examination to a zillah judge of the division within which they desire to be examined, at least two months before the examination to be held; but that no such applications shall be presented to the judge who is a member of the examining committee.

Thirdly. That the zillah judge, after making such enquiries as he may deem proper, in order to ascertain that nothing exists against the character of the applicant to

render him unfit to enjoy the privilege of examination, shall certify on the face of the application, that the applicant may be examined.*

Fourthly. That the divisional committee shall meet at least twice in each year, for the purpose of examining candidates certified to them for examination, during the preceding six months, by zillah judges within their division.

Fifthly. That the examination shall be conducted by the committee in such manner as shall, from time to time, be prescribed to them by the Sudder Dewanny Adawlut.

Sixthly. That at the conclusion of the examination, the committee shall grant to such candidates as they may deem proper, diplomas of fitness for employment as moonsiffs, after such form as the Sudder Court may prescribe, and at the same time forward duly certified lists of such candidates to the Sudder Dewanny Adawlut.

Seventhly. That the possession of such diplomas shall entitle candidates, on application, to be recommended by zillah judges and commissioners for vacant moonsiffships, and to be appointed to such vacant moonsiffships by the Sudder Dewanny Adawlut before any candidates not possessing such diplomas.

Eighthly. That in case any zillah judge shall, by reason of having received no application from a candidate with a diploma, nominate to the Sudder, to fill an existing vacancy, a candidate without a diploma, the Sudder Court shall appoint to the vacancy any one from among the lists of passed candidates, who may be willing to accept the vacant appointment; but the Sudder Court shall not delay the appointment for the purpose of making enquiry as to the willingness of any individual on the lists. On the contrary, if no application should be before them from any such person when the judge's nomination may be taken into consideration by the Court, they shall, unless they be aware of other objections, appoint provisionally the candidate recommended by the zillah judge, subject to his obtaining a diploma in due course under the following rule.

Ninthly. That in case any person not possessing a diploma be hereafter appointed a moonsiff under the last rule, he be required to present himself for examination to the divisional committee at the first examination held after the expiration of six months, from the date of his appointment; and that, if he then fail in obtaining a diploma of fitness, his appointment be deemed vacant.

* Modified by the "Rules for the Guidance of the Committees in examining Candidates for the Office of Moonsiff," published by Government under date the 20th April 1841, which are given in a succeeding page.

Tenthly. That after effect has been given to these rules, if the judge of a district have good and sufficient grounds to believe from any proceeding or other information officially before him, that any moonsiff under his control, not previously examined, is not sufficiently qualified to discharge in a proper manner the duties of his situation, he may, with the concurrence of the commissioner, require such moonsiff to present himself for examination before the divisional committee at their next meeting, and any moonsiff who, being so required, may refuse to submit to examination, or, being examined, may fail to obtain a diploma, shall forfeit his appointment, and shall not be re-appointed to a moonsiff-ship until he obtain a diploma of fitness.

Eleventhly. That in future no sudder ameen be appointed except he be one of three moonsiffs recommended for promotion by the Sudder Court, and unless he have served as a moonsiff for at least twelve months previous to the date of recommendation.

Rules for the Guidance of the Committees in examining Candidates for the Office of Moonsiff, subsequently passed by the Right Hon'ble the Governor of Bengal.

1. The examination to be partly *viva voce* and partly written answers to prepared questions.

2. The questions will be framed by the Court of Sudder Dewanny Adawlut, from the regulations and rules of practice for the guidance of the courts of civil justice, and will be forwarded by them to the examination committees, on the receipt of the prescribed reports informing them that examinations are about to be held.

3. The questions to be answered by the candidates without reference to books or other sources of information, in the presence of two members (one of them being the judge or the commissioner of the division) of the examination committee. The several members of the committee however shall examine the replies, and report on the eligibility of the candidates. Candidates will be at liberty to give their replies in whatever language they please; but it will be the duty of the committee to satisfy themselves, that every candidate, who may be considered qualified in other respects for the situation of moonsiff, possesses also a competent knowledge of the principal vernacular languages of the country.

4. After the candidates shall have delivered their written replies to the questions, the papers of a moonsiffee case, which has been decided on its merits, shall be read by a mohurrir, *seriatim*, the final decree excepted, to the several candidates, who shall then be required to record, in any language they may prefer, their opinions on the point at issue between the parties, and the manner in which the suit ought to be decided, agreeably to the regulations and the law of the parties. The opinions thus recorded, shall be examined by the whole of the committee, to enable them to judge of the capacity and intelligence of the candidates.

5. On the close of the examination, the replies of the candidates to the written questions, shall be forwarded to the Sudder Dewanny Adawlut.

6. The oral examination shall be conducted by a full meeting of the examining committee, who shall examine each candidate separately, by questions from the Regulations relating to the constitution, extent of jurisdiction, powers, and course of procedure of the courts of the native judges.

7. At the conclusion of the examination, the committee shall, as directed in the 6th of the Government Rules, grant to such candidates as they may deem proper, diplomas of fitness for employment as moonsiffs according to the form* furnished to them by the Sudder Court, and at the same time forward duly certified lists of such candidates to the Sudder Dewanny Adawlut.

8. Diplomas shall be granted by the mofussil committees, only to those candidates who may answer correctly the whole of the questions forwarded by the Sudder Dewanny Adawlut. Should a mofussil committee be of opinion that a candidate, who may not have answered all the questions, is otherwise eligible to the office of moonsiff on any special grounds, they shall forward the written replies of such candidate, with a statement of the grounds on which they consider him entitled to a diploma, for the consideration of the presidency central committee, who will decide whether the candidate shall receive a diploma or otherwise. This rule does not apply to the presidency committee, whose powers will continue as before.

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* FORM OF DIPLOMA.

We hereby certify that ———— was examined at the half yearly examination held at ———— in the month of ———— 184 ; and that we consider him duly qualified, from his knowledge of the native languages and of the laws and rules of practice for the guidance of the courts of civil justice, to hold the office of moonsiff.

(Signatures of the Members.)

Name of Candidate.	Name of his Father.	Age.	Place of Residence.

9. When the members of any committee are equally divided in opinion as to the propriety of granting or withholding a diploma, such equality of votes shall be held to render the candidate ineligible.

10. No member of any committee shall vote regarding any candidate to whom he may be in any way related.

11. Candidates, who may be rejected at one sitting of a committee, shall be entitled, at the expiration of any period which the committee may fix upon, with reference to the degree of knowledge evinced by such candidates, when examined the first time, to appear a second time before them for examination: provided however that such candidates shall renew their certificates from the zillah judge previously to the second examination.

12. The zillah judge, to whom application may be made for a certificate, shall, after making such enquiries as he may deem proper to ascertain that the applicant is a person of respectable connections, good character, and suitable attainments, certify on the face of the application, that the applicant may be examined. If, however, the enquiries made on these points prove unsatisfactory, or if the applicant be unable to produce credentials to his respectability, past conduct, and general qualifications, the judge shall decline compliance with the application.

13. The certificate to be granted by the judge shall be in the following terms:

"I do hereby certify, that I have satisfied myself that the bearer of this certificate, A B, is a man fully fitted, by respectability and good character, to fill the office of moonsiff; and, from the enquiries I have made, I have every reason to believe that he is qualified, from his past conduct and general information, to enjoy the privilege of examination for the office of moonsiff."

This certificate shall then be transmitted to the Sudder Dewanny Adawlut, who, if they be aware of no objection, shall certify as follows:

"The Sudder Dewanny Adawlut, having inspected this certificate, are aware of no objection to the examination of the candidate."

(Signed) A B, *Register.*

14. When a candidate appears before a committee, if they shall be aware of objections to his examination on the score of character, they shall refuse to proceed with his examination, and shall declare their objection in writing on the face of the certificate, and transmit it to the Sudder Dewanny Adawlut, for such orders, or for such further enquiry, as the Sudder Dewanny Adawlut may think proper.

TO THE SEVERAL CIVIL JUDGES

Lower Provinces, 28th August, } 1840.
Western Provinces, 18th September, }

No. 98.

Rules regarding the payment of tulubana in the courts of the moonsiffs.

THE Court, having had under consideration the returns to their circular of the 28th December 1838, relative to the receipt and disbursement of tulubana paid to the peons attached to the moonsiffs' courts, have been pleased to adopt the enclosed rules, which are herewith forwarded to you for your information and guidance.

2. You will be pleased to communicate these rules to the several moonsiffs in your district; and on your having completed the revision of the peon establishment, and settled the rates to be in future paid in each moonsiffship within your district, you will be pleased to report the same to this Court, submitting an abstract statement of the number of peons attached to each kutcherry, and the rate of tulubana demandable by each peon per diem.

Rules regarding the Payment of Tulubana in the Moonsiffs' Courts.

1st. The judge will carefully revise the lists of peons now employed in the execution of process in the moonsiffs' courts; and, after ascertaining what number is requisite for the service of such processes, will select a sufficient number of the fittest persons to be so employed; and will cause each moonsiff to register their names as follows—name of the peon, name of his father, number of his badge, his age, his place of abode, and a concise description of his person.

2nd. The moonsiffs are strictly prohibited from employing any person not registered in the mode above prescribed in the service of any process, without recording a special order on their proceedings; and a note also to that effect shall be endorsed on the back of the process.

3rd. The peons, who may be registered as above, shall be furnished with a belt and badge of office, duly numbered. The expense of the same to be defrayed by the peon.

4th. The moonsiffs will frame a table for regulating the tulubana demandable on the service of their processes, according to the rates established by usage in their respective moonsiffships. This table shall contain the computed distance from the sudder station of the moonsiff to the extreme parts of his jurisdiction. The number of days for which tulubana is to be allowed on the issuing of process within the moonsiffship, shall be calculated with reference to the computed distance of the principal towns or villages from the sudder station of the moonsiff.

5th. The table so framed shall be submitted for the inspection and orders of the judge, and, after having been duly revised and approved of by that officer, shall be suspended for general information in the court-house of the moonsiff; and no tulubana shall be allowed beyond the rates, or for a greater number of days than may be prescribed in such table, without a special order from the moonsiff, to be recorded on his proceedings.

6th. The amount of tulubana demandable according to the table above mentioned, shall be paid previously to the issue of process. The moonsiff shall endorse a receipt on the process, specifying the amount and the person from whom it was received; and, after the execution and return of the process, shall pay the sum in deposit to the muzkooree peon.

7th. Tulubana so paid, shall be entered in a register of the annexed form.

8th. Any peon demanding or exacting tulubana, or diet money, in addition to the sum deposited with the moonsiff, and specified on the back of the process entrusted to him for execution, will be dismissed, and be further liable to such other punishment as may be warranted by the existing regulations.

9th. The moonsiffs are required to take every proper precaution to prevent any illegal exactions of diet or subsistence money, in addition to the tulubana; and they will fully understand, that no person on their establishment is entitled to any "meeran" or share of the tulubana, which is to be paid entirely to the peon.

Form of Register of Tulubana Deposits.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Number of cases.	Name of the plaintiff.	Name of the defendant.	Description of process.	Number of days.	Amount of tulubana deposited.	Date of deposit.	By whom deposited.	Number of peon.	Name of peon.	Date of going into Mofussil.	Date of return from Mofussil.	Receipt of the peon.	Remarks.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces,
Western Provinces, } 28*th August*, 1840.

No. 99.

Rule regarding the value of the stampt paper to be used for engrossing petitions of plaint, or appeal, or petitions from parties desirous of appealing *in formâ pauperis*.

TO remove doubts which are believed to exist, I am desired by the Court to intimate to you, with the sanction of the Government, that in cases in which more than one stamp is required for engrossing petitions of plaint or appeal, or petitions presented by persons desirous of appealing as paupers under the provisions of Clause 1, Section 12, Regulation XXVII, 1814, it is optional to parties to file several stamps, the aggregate value of which will be equal to the amount prescribed by law, or one stamp of the full value, with as much plain paper attached thereto as may be required.

2. The rule regarding additional sheets required for pleadings, is contained in the construction No. 870.

TO THE CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 31*st July*, 1840.

No. 100.

Rule of remuneration for persons copying papers in the judges' courts.

THE Court, having had under consideration the returns to their Circular, No. 16, dated 3rd January last, on the subject of the rate of remuneration paid to persons copying papers in the judges' courts, find that considerable diversity prevails in respect to the rate and mode of calculating it in different districts, the average standard of payment appearing, however, obviously too high, and calculated to operate as a grievous tax on individuals seeking transcripts of papers to which they may not be entitled free of charge.

2. In considering the best means of fixing the amount, so that, on the one hand, it shall not press too heavily on the party requiring the copy, and yet, on the other, be sufficiently high to ensure to the copyist the means of earning an honest livelihood, and remove the temptation, which an inadequate amount would cause, of resorting to dishonest courses to make up the deficiency, the Court are of opinion that a rule establishing the rate of payment according to the number of words written is likely to be more certain, uniform, and equitable, than any of the other modes of computation by sheets, pages, or lines, which must be ever open to objections of uncertainty and fluctuation caused by the many varieties of writing, and by the facilities thus afforded for unfairness and abuse should the disposition thereto exist.

3. The Court are accordingly pleased to resolve that, hencefoward, the authorized rate of remuneration to copyists of papers in your court, to which parties are not entitled free of charge, shall be a rupee for 400 words correctly written in a clear and legible

hand, figures counting as words; which is the same as the rate recently sanctioned by Government, for paying temporary mohurrirs employed to copy the proceedings of cases appealed direct to the Sudder Dewanny Adawlut from the principal sudder ameens' courts.

4. Proper steps should be taken by you to give publicity to this rule, and due precautions used to maintain its correct observance, and prevent its abuse in the establishment under your charge.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 4th September, 1840.

No. 101.

Fixing a uniform rate of remuneration to be paid to persons copying papers in the judges' courts.

WITH a view to uniformity of practice, the Court are pleased to resolve that henceforward the authorized rate of remuneration to copyists of papers in the Persian, Urdu, or Bengalee language* in your court, to which parties are not entitled free of charge, shall be a rupee for 4000 words, correctly written in a clear and legible hand, figures counting as words; which is the same as the rate recently sanctioned by the Government for paying temporary mohurrirs employed to copy the proceedings of cases appealed direct to the Sudder Dewanny Adawlut from the principal sudder ameens' courts.

TO THE CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 28th August, 1840.

No. 102.

Prohibiting certain irregular practices of the lower courts in passing decisions in suits remanded to them for retrial; and pointing out the course to be pursued.

THE Court have observed that it is the practice of some of the lower courts, in passing decisions in suits remanded to them for retrial, to confine themselves to a repetition of their former order alone, with the addition of a simple reference to the grounds and reasons which have been set forth in the record of original decision, but without a recapitulation of those reasons.

2. This practice being, however, irregular, as apparently contravening the rule laid down in Clause 7, Section 2, Regulation IX. of 1831, and inconvenient, as causing an imperfect record, and involving the necessity of a further return of the case for completion, the Court are pleased to prohibit its continuance, and to direct that, in adjudicating remanded suits, the courts, whether they adhere to their original opinion or otherwise, invariably record at length the reasons on which their decision is founded, in the same manner as if they were passing a first order on the case.

3. You are requested to give the necessary instructions on this point to the several subordinate courts of your district.

* The rate of section writing fixed by the Government, 1400 words per rupee, is to be allowed to copyists of documents in English.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, 4th September, } 1840.
Western Provinces, 27th October, }

No. 103.

Applications from sudder ameens and principal sudder ameens, for leave of absence from their stations, on private affairs, to be submitted by the zillah judges to the Court of Sudder Dewanny Adawlut, instead of to Government, with a statement of pending business.

I AM directed by the Court, under orders from the Government, to request that applications from sudder ameens and principal sudder ameens for leave of absence from their stations, on private affairs, be submitted direct to the Court,* accompanied by a statement shewing the amount of business pending in the court of the applicant.

2. The applications will be submitted by you, as at present, without any papers in the native language; but you will state your opinion as to the propriety of a compliance with such requests.

TO THE CIVIL JUDGES IN THE NORTH WESTERN PROVINCES AND TO THE COMMISSIONER OF KUMAON.

No. 104.

Rules for affording the Government pleader the ready means of realizing his fees from Government, in cases decided wherein the Government is a party.

Western Provinces, the 4th September, 1840.

WITH the sanction of Government, I am directed by the Court to communicate to you the following rule of practice, for adoption in cases decided by your own or the subordinate courts, wherein Government is a party.

2. On any case of this nature being finally decided, the presiding judge will add to his order a note, as in the margin, specifying the amount due to the Government pleader, to afford that officer the means of recovering his fees from the Government direct, through the Revenue Board or the authority who may have preferred or defended the suit.

جوٗکه اِس مقدمے مےٕن
روپیا سرکار بہادر سے وکیل سرکار
بہادر کا پاونا ہے اس واسطے حکم
ہوا کہ اِس بات کي اطلاع وکیل سرکار
کوٗدیا جاوے تا کہ وہ اپنے محنتانے کا
روپیا جس سرشتے سے مناسب ہوٗوصول
کرلیوے فقط

3. You are requested to give the necessary instructions on this point to such of the courts of your district, as it may concern.

* On the 23d January 1841, the Western Court issued a Circular requiring that, for the words "direct to the Court," should be substituted "to the Court (instead of to Government) through the zillah judge," &c.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, } *4th September,* 1840.
Western Provinces, }

No. 105.

Intimating that a collector has no power under Clause 4, Section 4, Regulation VII. of 1825, to postpone a sale without an order to that effect from the court ordering the sale, and cancelling the concluding words of paragraph 2 of the printed Construction No. 794.

WITH reference to a question recently brought before the Court touching a construction of Clause 4, Section 4, Regulation VII. of 1825, in respect to the power of a collector to postpone a sale under the circumstances contemplated by that clause, I am directed to acquaint you that it has been ruled by the Court that no power is thereby vested in a collector of postponing the sale, without an express injunction from the court ordering the sale to that effect; and that, unless such injunction be received, the sale should accordingly take place on the date fixed.

2. You will be pleased to consider the concluding words of paragraph 2 of the printed construction, No. 794, dated 12th June 1833, quoted in the margin,* as cancelled.

* "Staying his proceedings until the further orders of the court are received."

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, } *4th September,* 1840.
Western Provinces, }

No. 106.

Rule regarding the mode of conducting sales in satisfaction of decrees, when the property to be sold has on it the prior lien of a mortgage.

AN erroneous practice being believed to prevail in respect to the mode of conducting sales in satisfaction of decrees, when the property to be sold has on it the prior lien of a mortgage, I am directed to communicate, for the information and guidance of your own and the subordinate courts, the following rule.

2. It has been recently ruled by the Court that the summary investigation often made into the claims of a mortgagee, who may assert a prior mortgage on such property, is irregular and supererogatory; the defendant's right and interest in the property being alone sold with the incumbrance of any prior mortgage, and the law providing that bidders at such sales be clearly apprised that nothing is guaranteed to them in the land or other property sold beyond such right and interest.

3. The Court are of opinion that on prior claims being asserted before the completion of the sale, the existence of such claims should be made known by the officer conducting the sale, to the bidders, and be recorded by him in the roobacarree of sale.

TO THE SEVERAL ZILLAH JUDGES IN THE NORTH WESTERN PROVINCES, WITH EXCEPTION OF THOSE IN THE BENARES DIVISION.

Western Provinces, 18*th September,* 1840.

No. 107.

Communicating instructions on the sub-

WITH reference to the circular enquiry of the Court of Sudder Dewanny Adawlut, North Western Provinces, No. 485, dated the 22d March 1839, and to the replies thereto, I am

Subject of the tuhseeldaree cutcherries being constituted as places of deposit for sums realized by moonsiffs, from the sale of real property in the execution of their decrees.

directed to inform you that the Government having sanctioned an arrangement for constituting tuhseeldaree cutcherries places of deposit for sums realized by moonsiffs, from the sale of real property in execution of their decrees, the Sudder Board of Revenue have issued a circular to that effect, transcript of which is appended to this letter.

2. From the tenor of my predecessor's letter already quoted, you will have understood that it is contemplated to apply this plan only to those mofussil moonsiffee stations which may be also the site of tuhseeldaree cutcherries, or the proximity of which to tuhseeldarees may be such as to admit of the arrangement taking effect without inconvenience. In respect to moonsiffships at the sudder station of the zillah court, or which may be contiguous to or not so remote from it as they are from the nearest tuhseeldaree, the present practice of depositing in the judge's treasury will, of course, be continued.

3. The Sudder Board have explained that the tuhseeldars, in whose offices the rule will take effect, are only to keep an account of the aggregate of each remittance made by a moonsiff disbursing on the order of a moonsiff; and recording merely the dates and amounts of receipts and disbursements by order of that officer, without any specification of the nature of the case on account of which the money is deposited or paid, and taking care that the disbursements never exceed the sum total of deposits in their hands.

4. The moonsiffs on the other hand are to be held responsible for the correctness of the payments which they may order, and to keep all such detailed registers of deposits and re-payments as they have been heretofore used to do.

5. As declared in the Court's circular of 22d March 1839, I am instructed to add that, where the present practice of depositing in the judge's treasury may be maintained, the decree-holder's application for the payment of the money may now be made direct to the moonsiff, who will address the judge for the transmission of the amount to his court; a course which will obviate the necessity of any personal application by the decree-holder to the judge's court.

6. You will be pleased to issue proper instructions to the moonsiffs for giving effect to the rule now communicated, and report eventually, for the information of the Court, in what moonsiffships in your district it has taken effect, and what is the practical result.

Circular Letter from the Sudder Board of Revenue for the Western Provinces to the Commissioners of Revenue 1st to 5th, Kumaon, Delhi, and Saugor Divisions, No. 19, dated 11th September 1840.

The Sudder Board of Revenue, North Western Provinces, desire me to request that the tuhseeldars of your division may be directed to receive such sums as the moonsiffs in their

neighbourhood may desire to deposit with them, and to pay out such sums as the moonsiffs may direct, always taking care that the sum disbursed never exceeds the sum total of deposits in their hands.

2. There will be no occasion for the tuhseeldars to keep any account of the cases or persons in whose behalf sums are deposited or paid: all these details will be kept by the moonsiffs, and the tuhseeldars have only to concern themselves with keeping a careful record of the amounts and dates of sums received or disbursed under this head. The annexed form of account will be sufficient for this purpose.

3. All receipts and disbursements under this arrangement will be incorporated in the regular accounts transmitted to the collector, and its effect on the cash balance in the tuhseeldar's hands will be always exhibited.

FORM.

Receipts.			Disbursements.		
Number.	Date.	Amount.	Number.	Date.	Amount.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces,
Western Provinces, } 18*th September*, 1840.

No. 108.

Held that a principal sudder ameen is competent to order the imprisonment of a defendant in a suit above 5000 rupees, the judge merely issuing the necessary warrant to the jailor.

A RECENT instance having occurred in which on a principal sudder ameen, in execution of a decree of his court above 5000 rupees in amount, sending the defendant with a requisition for his confinement in jail under the provisions of Section 7, Regulation VII. 1832, to the judge's court, the latter officer sent the defendant back with an opinion recorded that in suits exceeding 5000 rupees he possessed no jurisdiction, I am directed to communicate to you the following rule.

2. It has been ruled by a majority of the Allahabad and Calcutta Courts, that by Act XXV. 1837, the principal sudder ameen has full power to pass any order connected with the case before him that the judge himself could pass, subject to an appeal to the Sudder Dewanny Adawlut: he is, therefore, competent to order the imprisonment of a defendant in suits above rupees 5000; and it is not necessary that the judge should have jurisdiction in the case to enable him to direct the civil jailor to take charge of the defendant or to release him on the requisition of the principal sudder ameen, the judge's duty, in such case, being merely to issue the warrant; the jailor to receive (or release) the prisoner, in the same way, that he was required to give lodgment to prisoners under revenue process, before the issue of Circular Order No. 76, of the 4th January 1833, which empowers collectors to issue their own orders for the imprisonment and release of their own defaulting assamees.

3. You are requested to make known the purport of this construction to the principal sudder ameen of your district.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 2d October, 1840.

No. 109.

Calling the attention of the judges to the rules contained in the Circulars, No. 12 of the 7th August 1817, No. 60 of the 25th October 1822, and No. 179, of the 5th August 1836, in Section 21, Regulation V. 1831, and Section 10, Regulation XXVI. 1814, regarding the mode of conducting civil suits.

I AM directed by the Court to call your particular attention to the several Circular Orders, noted in the margin,* and to request, that you will have the purport of the same made fully known to the several uncovenanted judges in your district, *so far as they may be applicable to those officers.*†

2. You will also be pleased to instruct your principal sudder ameen to observe very strictly the rules prescribed for his guidance by Section 21, Regulation V. 1831; and you will inform him, that any neglect on this point must be noticed very seriously by the Court.

3. You will not fail to observe, that the rules laid down in Section 10, Regulation XXVI. 1814, apply to the trial of appeals, as well as of original suits; and you will be careful, therefore, in all cases to record on your proceedings the precise points at issue, and the grounds on which the parties maintain their several pleas.

* No 12, 7th August, 1817.
No. 60. 25th October, 1822.
No. 179, 5th August, 1836.

† The clause in italics was added by a subsequent order.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES.

Lower Provinces, 16*th October*, } 1840.
Western Provinces, 5*th Nov.* }

No. 110.

Communicating the opinion of the Hon'ble the Court of Directors on the subject of natives employed in, and trained to the duties of, one department of the public service, being transferred to another.

I AM directed by the Court to transmit to you, for your information and guidance, the accompanying extract from the proceedings of the Right Honorable the Governor General in Council, in the military department, regarding the entertainment in one department of the public service of persons holding employ in another.

Extract from the proceedings of the right honorable the Governor General of India in Council in the Military Department, under date the 9*th September* 1840.

Extract of a Military Letter from the Honorable the Court of Directors, No. 33, *dated* 10*th June* 1840.

14. As it is of much importance that natives, who have been trained to the duties of an office, more especially to duties of a scientific nature, such as those performed by Radanath Seikdar, should not be excited to quit their stations with a view to their own advantage in another branch of Government employ, we fully approve of the intimation given by you to the Revenue Board that "it was wrong for one department of the state to bid against another for the services of competent officers." We are of opinion that all departments should be apprised that they must not only not invite, but must positively refuse to entertain, an application for employment from any native who is, at the time of making the application, in the public employ of a Government office or department, unless they shall have previously received the full acquiescence of the head of such office or department.

Ordered, that the preceding extract of the Honorable Court's letter, be transmitted to the several departments mentioned in the margin for information, and for such communication to the heads of offices and other authorities in correspondence with those departments respectively, as may appear to be necessary.

Secret and Political Department.
Judicial Department.
Revenue Department.
General Department.
Legislative Department.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES.

Lower Provinces, 16*th October*, 1840.
Western Provinces, 4*th January*, 1841.

No. 111.

English stationery not to be charged for in contingent bills, but to be obtained by indent from the Government stores.

I AM directed by the Court, under instructions from the Government, to inform you, that English stationery of any kind is not to be charged for in your contingent bills, as such articles are to be obtained by indent from the Government stores under the control of the Military Board.

TO THE CIVIL JUDGES IN THE NORTH WESTERN PROVINCES (EXCEPT THOSE OF BARELLY, AGRA, AND BENARES.)

Western Provinces, the 20th October, 1840.

No. 112.

Communicating rules for the examination of candidates for the office of moonsiff, and fixing the stations for holding the periodical examinations.

THE Court circulate, for general information, the accompanying papers, viz.

1*st.* Copy of rules* for the examination of candidates for the office of moonsiff, passed by the Right Honorable the Governor General in Council on the 4th August 1840, and adopted for the North Western Provinces by the Honorable the Lieutenant Governor, on the 30th July last, together with 3 translations of the same in Urdu. The rules are to be communicated to all the uncovenanted judicial officers, and the attention of the present moonsiffs directed to the tenth rule.

2*d.* A form (in reference to rules 2 and 3) of application for submission by candidates desirous of being examined, and of certificate, which, after making proper enquiries, and ascertaining that there is nothing against the character of the candidate,† the judges will fill up, and forward to the examining committee, informing the candidate that they have done so in writing, which writing will be his authority to appear before the committee.

2. The Court notify that the selection of Barelly, Agra, and Benares, as the most eligible stations for holding the periodical examinations, has been approved by Government, and that the 1st February 1841, has been fixed for the first of these examinations by the Court, to which arrangement the widest publicity should be given by the civil judges. After that date future examinations will be held half-yearly, in the months of July and January.

TO THE JUDGES OF BARELLY, AGRA, AND BENARES.

Western Provinces, 20th October, 1840.

THE Court transmit, for information, the accompanying papers, viz.

1*st.* Copy of rules for the examination of candidates for the office of moonsiff, passed by the Right Honorable the Governor General in Council on the 4th August 1840, and adopted for the North Western Provinces by the Honorable the Lieutenant Governor on

* See page 123 of this volume.

† See page 121.

the 30th July last, together with three translations of the same in Urdu. The rules are to be communicated to all the uncovenanted judicial officers of the district, and the attention of the present moonsiffs directed to rule 10.

2*nd*. Copy of instructions issued to the zillah judges generally, and of the form sent therewith.

2. The Court notify that the selection of Barelly, Agra, and Benares, as the most appropriate stations for holding the periodical examinations prescribed by rule 4, has been approved by Government. With the judge of each of these districts, the commissioner of the division, the magistrate, and the principal sudder ameen have been associated in the formation of an examination committee, to whom corresponding instructions have been issued by the Court. The judge will, in concert with the commissioner, make an early report of the names of any other gentlemen at the station who appear eligible as members of the committee.

3. The judge will be careful, as directed in rule 2, not to receive any applications from candidates for examination, but will invariably refer them to another judge of the division. He will report to the Court, at least six weeks before the date fixed for each periodical examination, the number of candidates whose applications have been received, when the Court will furnish the committee with instructions for conducting the examination, as well as with the necessary examination papers, and forms of diploma for the successful candidates.

4. The Court have fixed, as the date for holding the first examination, the 1st February 1841, after which future examinations will take place on the 1st July and 1st January of each year.

TO THE CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 30*th October*, 1840.

No. 113.

Notifying the appointment of provincial pundits, as expounders of the Hindoo law to such zillah courts as may be embraced within their jurisdiction.

THE Court are pleased to notify, for general information, the following arrangement, adopted under instructions from the Supreme Government and with the sanction and approval of the Honorable the Lieutenant Governor N. W. P., in substitution of the system under which a pundit has heretofore been attached as Hindoo law officer to the establishment of each zillah court, but, at the same time, calculated to secure to each zillah court, when required, an exposition of Hindoo law from a regularly constituted office.

2. The principle of this arrangement is the appointment of provincial pundits, each having jurisdiction, as law officer, over a circle of zillahs, comprising a given number of districts in which the system of the Hindoo shasters current there, and the customs of the people, as connected therewith, most assimilate, and being constituted, with respect to such circle, the legally authorized expounder of the law to such zillah courts as may be embraced within its jurisdiction, with a salary of 150 rupees per mensem, and a residence at the sudder station of the most centrical zillah of the group.

3. From the returns to the circular enquiry dated 27th March last, it appears that the only districts in which pundits are yet maintained are those named in the margin,* and out of these the pundits of two districts (Goruckpore and Allahabad) hold, besides, the office of moonsiff.

* Goruckpore.
Benares.
Allahabad.
Futtehpore.*
Mynpooree.

4. In pursuance, therefore, of the rule described in paragraph 2, the sanction of Government has been obtained, under date 22d instant, to the arrangement that follows.

5. The moonsiffs of Goruckpore and Allahabad will continue to draw their salaries (rupees 60 each per mensem) as pundits, as a personal allowance in addition to their present salaries as moonsiffs. Their functions, however, as Hindoo law officers, will cease.

6. There will be three provincial circles, comprehending severally the districts composing the divisions which they include, to which will be attached the three remaining pundits, viz. of Benares, Futtehpore and Mynpooree,* who are hereby vested with jurisdiction, as law officer, in each of the zillahs embraced in their respective circles, and will receive instructions, to the effect of those herein given, from the judges to whom they are at present subordinate, and will be directed to proceed and enter upon the discharge of their new functions forthwith.

* Saligram Oopadhya.
Muhesh Chunder.
Bhuwaneepershad.

2. The note given below expresses the particulars of the above plan.

Name of circle.	*Name station where pundit will ordinarily reside.*	*Name of officer.*
1st or Benares circle.	Benares.	Saligram Oopadhya.
2d or Allahabad and Agra circle.	Cawnpore.	Muhesh Chunder.
3d or Delhi, Meerut, and Rohilkund circle.	Delhi.	Bhuwaneepershad.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES AND THE AUTHORITIES IN THE EXTRA REGULATION PROVINCES.

Lower Provinces, 30th October, 1840.

No. 114.

Representations addressed to the Government by the uncovenanted judges or other officers, relating to their services, to be forwarded by themselves through the public post.

UNDER instructions from the Right Honorable the Governor of Bengal, I am directed to request that you will abstain from forwarding to Government, representations from the uncovenanted judges, or officers attached to your court, relating to their services; it being the wish of His Lordship, that all persons desirous of bringing their claims prominently to the notice of Government, should do so themselves by the public post.

2. You will not of course consider this order as rescinding the Circular Orders No. 215, of the 29th September 1837, and No. 73, of the 6th March 1840.

3. You will be pleased to furnish the magistrate and joint magistrate of your district with a copy of this letter.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces,
Western Provinces, } *6th November*, 1840.

No. 115.

Prescribing an addition to the heading of column 2 of the quarterly statement required to be sent to the revenue authorities by Circular Order of the 12th December, 1834.

THE Court are pleased to prescribe an addition to the heading of column 2 of the quarterly statement required to be sent by the courts to the revenue authorities by Circular Order No. 127, of the 12th December 1834, as shewn below; the information it will supply being necessary to indicate the exact period, from which the requisition on the collector by the civil court takes effect, as an interval frequently occurs between the date of order for reference and that of despatch which the present form of statement fails to represent.

QUARTERLY REPORT OF REQUISITIONS, &c.

Names of parties.	Date of order for reference, and date of despatch of letter containing it.	Substance of requisition.	Reasons assigned by Collector, &c.	Judge's opinion of those reasons.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 13th November, 1840.

No. 116.

Enjoining the observance of Circular No. 20, dated 2nd July 1830, requiring each letter addressed to the Court to be accompanied by an abstract of its contents.

THE Court deem it requsite to call the attention of the several authorities* under their control to the purport of the Circular No. 20, dated 2d July 1830, and to enjoin the observance, henceforward, of the rule laid down therein, requiring each letter addressed to the Court to be accompanied by an abstract of its contents, which appears to have fallen into disuse, but which the receipt, in several late instances, of letters and reports of "unnecessary expansion," has forced on them the necessity of maintaining, on the grounds noticed by the Honorable the Court of Directors in the extract of their despatch appended to the circular.

* Commissioners, Civil and Session Judges, Magistrates.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 13th November, 1840.

No. 117.

Circulating extract from a despatch from the Hon'ble the Court of Directors, relative to the Circular No. 1, of the 14th October, 1837, which directs the adoption of a form of statement shewing the quantity of business disposed of daily by the moonsiffs.

THE Court are pleased to circulate, for the information and guidance of the civil judges, an extract (paragraph 37) of a despatch from the Honorable the Court of Directors, dated 15th July last, having reference to the circular instructions of the Sudder Dewanny Adawlut No. 1, dated 14th October 1837, which direct the adoption of a form of statement shewing the quantity of business disposed of daily by the moonsiffs, and to request the particular attention of the judges to the latter part of the extract.

Extract of a Despatch from the Honorable the Court of Directors No. 12 *of* 1840, *dated London, the 15th July,* 1840.

Para. 37. It is requisite that the superintending authorities should possess the means of ascertaining that the moonsiffs are regularly and diligently engaged in the performance of their official duties. But this information, we concur with the Sudder Court at Allahabad, in thinking, was not attainable by the strict enforcement of former rules. The return required by those rules, shewed indeed that a moonsiff had decided a certain number of cases within the month; but if he could manage to get through the quantity of work considered on an average proper for a month during a portion of that time, he might for the remainder absent himself entirely from his court, a power of which some of the moonsiffs did not hesitate to avail themselves. The return required by the new order,

will exhibit, not only the quantity of work performed, but the regularity of attendance or otherwise. At the same time, we trust that the several judges do not restrict their superintendence over the moonsiffs to the punctual exaction of periodical returns, but form a judgment of their merits from the much more complete and satisfactory evidence of a general nature, which falls under their observation.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 20th November, 1840.

No. 118.

Calling for returns of the principal ministerial officers attached to the courts of the civil and session judges.

I AM directed by the Court to request that you will, with as little delay as may be practicable, forward a return, drawn up agreeably to the annexed form, of the names of the serishtedar, paishkar, and nazir, at present attached to your court, and to intimate to you the desire of the Court that you will hereafter report, for their information, the removal or resignation of those officers, within ten days after the same may have taken place.

2. You will also be pleased to report to the Court the names of any individuals who may be hereafter nominated to these offices, agreeably to the same form, and within the same period after the nomination may have occurred.

Return of the Names of the Serishtadar, Paishkar, and Nazir of the District of F.

Name of the officer.	Appointment held by him.	When nominated and by whom.	Age.	Number of years in the public service.	Schedule of landed property possessed by him.	General Remarks as to qualifications, &c.
A. B.	Serishtadar.	In 1825 by Mr. C. D.	45	23	One talook at a jumma of 350 Rs. in Zillah E.	
	Paishkar.					
	Nazir.					

TO THE SEVERAL CIVIL JUDGES.

Western Provinces, } *20th November*, 1840.
Lower Provinces, }

No. 119.

Communicating rule of practice regarding the authority for disposing of claims to share in the proceeds of sales in satisfaction of decrees.

WITH a view to fix the practice in respect to the proper authority for adjudicating conflicting claims advanced by decree-holders, to share in the proceeds of sales made in satisfaction of decrees passed by the subordinate courts, I am directed by the Court to communicate to you the following rule, established by judicial precedent, for the information and guidance of the covenanted and uncovenanted judges.

2. All claims to a share in the proceeds of sales of property made in execution of decrees of court should, in the first instance, be preferred to, and disposed of by, the court ordering the sale, whether such decrees may have been passed by that or by any other court; that tribunal passing an order in favor of whichever of the decree-holders it may consider to be entitled to the preference, and any party dissatisfied with such order having his remedy in an appeal to the judge, or Sudder Dewanny Adawlut, as the case may be, it not being competent to the higher court to interfere, with the view of adjudicating any matter of this nature, till the point come regularly before it in appeal.

TO THE SEVERAL CIVIL JUDGES IN THE NORTH WESTERN PROVINCES, AND TO THE COMMISSIONER OF KUMAON, AND THE POLITICAL AGENT OF SUBATHOO.

Western Provinces, the 20th November, 1840.

No. 120.

Intimating the despatch of seals for the principal sudder ameens and sudder ameens in the North Western Provinces.

GOVERNMENT having sanctioned the preparation, under direction of the Court, of office seals of a uniform size, shape, and inscription, for the whole of the principal sudder ameens and sudder ameens in these provinces, it is hereby notified that these seals, which have been made at Delhi, under the superintendance of the officiating judge, Mr. G. F. Harvey, are now ready, and have been despatched under this date to the address of the several judges, who, on receipt, will be pleased to distribute them to the officers for whom they are respectively intended, those of an oval shape being for the principal sudder ameens, and the oblong seals for the sudder ameens. These they will at the same time be instructed to use henceforward, transmitting the seals in present use to the judges, who will break them up, or dispose of them, as may seem proper.

2.. The moonsiffs' seals not having been found to present the same diversity of shape and size as existed in the seals of the two superior grades, it has not appeared necessary to prepare new ones for that class of officers. The distinction of grades, it will be seen, is now clearly marked by a difference of shape, the seals of the judges being round, of the principal sudder ameens oval, of the sudder ameens oblong, and of the moonsiffs square.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 11th December, 1840.

No. 121. Communicating instructions regarding the appointment of provincial pundits in the lower provinces.

I AM directed by the Court to communicate to you the following orders, issued under instructions from the Supreme Government, and with the sanction and approval of the Right Hon'ble the Governor of Bengal, abolishing the present system, under which a pundit has hitherto been attached, as Hindoo law officer, to the establishment of each zillah court.

2. The principle of the new arrangement is the appointment of provincial pundits, having jurisdiction, as law officers, over a certain number of zillahs, and being constituted, with respect to such districts, the legally authorized expounders of the Hindoo law. The salary, when the arrangements are completed, will be fixed at 150 rupees per mensem.

3. The circles into which the several districts within the jurisdiction of the Presidency Court, are to be formed, will be as follows.

Names of circles.	*Districts comprised in each.*	*Station where the pundit will ordinarily reside.*
1st or Presidency circle.	1. East Burdwan.	The 24-Pergunnahs.
	2. West Burdwan.	
	3. Hooghly.	
	4. Jessore.	
	5. Midnapore.	
	6. Nuddea.	
	7. Cuttack.	
	8. The 24-Pergunnahs.	
2d or Dacca circle.	1. Backergunge.	Dacca.
	2. Mymensingh.	

	3. Tipperah.	
	4. Chittagong.	
	5. Sylhet.	
	6. Dacca.	
3d or Moorshedabad circle.	1. Beerbhoom.	Moorshedabad.
	2. Bhagulpore.	
	3. Dinagepore.	
	4. Purneah.	
	5. Rajshahye.	
	6. Rungpore.	
	7. Moorshedabad.	
4th or Behar circle.	1. Behar.	Patna.
	2. Sarun.	
	3. Shahabad.	
	4. Tirhoot.	
	5. Patna.	

4. Until the situations of the fourteen supernumerary pundits at present attached to the several zillahs are abolished, (there are at present eighteen attached to the twenty-six districts,) the Court have been pleased, with the sanction of Government, to make the following arrangements.

5. In the first circle, the pundits of Midnapore,* East Burdwan,† and Jessore‡, will furnish bewustas to the courts of Cuttack, West Burdwan, and the 24-Pergunnahs, as noted in the margin,§ and an additional allowance of 20 rupees a month is sanctioned to these three pundits, in consideration of their additional duties. The pundits of Hooghly¶ and Nuddea‖ will continue to perform the duties of the courts of their own districts, until further orders.

* Kasheenath Turkolunkur.
† Bhurut Chunder Sirmooee.
‡ Sreeram Turkolunkur.
§ Midnapore to Cuttack; E. Burdwan to W. Burdwan; Jessore to the 24-Pergunnahs.
¶ Mudoosoodun Bachusputtee.
‖ Sreenath Bidyabageesh.

6. In the second circle, the duties of Hindoo law officers of Sylhet and Mymensing will be performed by the pundit of Dacca, Degumber Turkobageesh, with a monthly addition of 40 rupees to his salary. The pundit of Backergunge, Nurhurree Seeromonee, will furnish bewustahs to the courts of Chittagong, receiving an additional monthly allowance of 20 rupees for the same. The pundit of Tipperah, Bhyrub Chunder Turkobhooshun, will perform his duties as heretofore and until further orders.

7. In the third circle, the duties of Hindoo law officer of Purneah and Dinagepore will be performed by the pundit of Moorshedabad, Kishennath Nyapunchanun, upon a consolidated allowance of 100 rupees per mensem. The pundits of Beerbhoom,* Bhagulpore,† and Rajshahye,‡ will continue to conduct their duties as heretofore.

* Petumber Turkobageesh.
† Doorgadass Bidyabageesh.
‡ Anund Gopal Bidyalunkur.

8. In the fourth circle, the pundit of Behar, Loladhur Tewary, will perform the duties of Hindoo law officer of Behar, Sarun, Shahabad, and Patna, on a salary of 120 rupees per mensem, and he will immediately proceed to Patna and place himself under the judge of that city. Orders regarding the pundit of Tirhoot will be issued hereafter.

9. You will be pleased to carry into effect these arrangements, so far as regards the courts of your own district, immediately on the receipt of this Circular.

TO THE SEVERAL CIVIL JUDGES.

Lower Provinces, 11*th December*, 1840.
Western Provinces, 4*th January*, 1841.

No. 122.
Forwarding copies of an erratum to the Persian version of Regulation X. 1829.

I AM directed by the Court, with the sanction of the Government, to forward to you for distribution among the native judges of your district, copies of an erratum to the Persian version of Regulation X. 1829.

ERRATUM.

قانون دهم سنه ۱۸۲۹ع

دفعهٔ سوم ضمن اول

غلط	صحیح
هیچ یک سند یا وثیقه یا نوشته که در ملکی از ممالک هندوستان که در انجا قانون هذا رائج است بابت ادای زری یا وصول آن یا بابت بیع یا انتقال یا تفویض مال منقوله یا غیر منقوله یا حقی دران بعمل آید	هیچ یک سند یا وثیقه یا نوشته که در ملکی از ممالک هندوستان بابت ادای زری یا وصول آن یا بابت بیع یا انتقال یا تفویض مال منقوله یا غیر منقوله یا حقی دران واقع بجائی که درانجا قانون هذا رائج است بعمل آید الخ

TO THE SEVERAL CIVIL JUDGES IN THE NORTH WESTERN PROVINCES AND TO THE COMMISSIONER OF KUMAON.

Western Provinces, the 11th December, 1840.

No. 123.

Forwarding sunnuds of appointment for moonsiffs, with instructions on the subject.

THE judges will herewith receive commissions of appointment issued by the Sudder Dewanny Adawlut, with the sanction of Government, to the several moonsiffs in the North Western Provinces, for delivery to those officers, from whom they will, at the same time, be pleased to recall such purwanahs or sunuds of appointment as they may at present hold from the zillah authorities.

2. In future, upon the vacation of any moonsiffship by death, promotion, or otherwise, the judges will forward to the Court the commission of the officer vacating, in order that a new sunud may be issued to his successor.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER PROVINCES AND THE GOVERNOR GENERAL'S AGENT AT HAZAREEBAGH.

Lower Provinces, 18*th December,* 1840.

No. 124.

Communicating instructions for the better enforcement of the provisions of Clause 3, Section 18, Regulation V 1831, and Regulation XII. 1833, and for the allotment and distribution of pleaders in the courts of the judge, principal sudder ameen, and sudder ameen.

THE Court, having reason to believe that the provisions of clause 3, Section 18, Regulation V. 1831, and Regulation XII. 1833, have not been duly carried into effect, and that delay consequently takes place in the courts of the principal sudder ameens and sudder ameens, in the disposal of the causes pending before those functionaries, direct me to inform you, that petitions of plaint may be received by you, agreeably to Section 2, Regulation IV. 1793, from any authorized agent, or from any duly empowered vakeel attached to the court of the judge, the principal sudder ameen, or the sudder ameen, and that, in order to expedite business, the judge should encourage such petitions of plaint being filed by the vakeels of that court to which, under the provisions of Regulation V. 1831, and Act XXV. 1837, they will ordinarily be transferred for trial.

2. The Court are of opinion, that the judge should also make such an allotment and distribution of the pleaders attached to the several courts, as may appear most convenient for the transaction of public business, and that, having made such distribution, the pleaders should be permitted to plead only in those courts to which they have been respectively nominated.

3. You will report, with as little delay as may be practicable, the practice that has heretofore prevailed in your court. You will further be pleased to state whether the

provisions of Regulation XII. 1833, have been duly promulgated, carrying into effect the suggestions of the Court, as now communicated to you, without any further delay.

4. You will communicate these orders to the principal sudder ameens and sudder ameens of your district.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 18*th December*, 1840.

No. 125.

With reference to the provisions of Act XXIII. of 1840, communicating instructions regarding the obtaining the evidence of witnesses residing in Calcutta.

THE Right Honorable the Governor of Bengal has lately forwarded to the Court, two original letters from the chief magistrate of Calcutta, regarding certain irregular requisitions, made by the Mofussil authorities to that officer, for the purpose of obtaining the evidence of witnesses, residing in Calcutta, in causes that appear to have been pending in the Company's courts.

2. Section 4, Act XXIII. of 1840, indicates the manner in which subpœnas issued by the Mofussil authorities, may now be executed within the local limits of Her Majesty's courts; and you are therefore directed to refrain from sending any requisitions to the chief magistrate of Calcutta, in any civil or criminal proceedings, for the purpose of obtaining the evidence of witnesses residing in Calcutta.

3. The Court request that you will be careful that every subpœna, writ, warrant, or other process, required to be endorsed under the authority of this Act, be drawn up in strict conformity with the Regulations of Government, in order that the same may not be remitted to you for amendment.

4. You will furnish the magistrate with a copy of this letter, and you will communicate the contents to the principal sudder ameen and sudder ameen of your district.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES, THE GOVERNOR GENERAL'S AGENT AT HAZAREEBAGH, AND THE COMMISSIONER OF ASSAM.

Lower Provinces, 18*th December*, 1840.

No. 126.

Forwarding seals for the courts of the principal sudder

GOVERNMENT having sanctioned the preparation of office seals of a uniform size, shape, and inscription, for the whole of the principal sudder ameens and sudder ameens in these provinces, I am directed by the Court to forward to you the seals for the officers of

ameens and sudder ameens in the lower provinces.

those classes attached to your district, to be distributed to them with instructions to make use of them in future, and to transmit to you those now in use, to be broken up and then disposed of as old metal.

2. You will be pleased to communicate the instructions conveyed in the following extract from the Orders of Government, No. 965, dated the 2d June last, to all the functionaries presiding over the subordinate courts of your district.

"His lordship would wish the Court to call the attention of the parties to whom new seals are to be given, to the great want of clearness which is manifest in the impressions of the seals of office at present in use. This is so remarkable that it is almost impossible to distinguish, from an inspection of the impression itself, either the court or zillah from which it emanates. His lordship trusts this will now be remedied."

INDEX

TO

THE CIRCULAR ORDERS,

PASSED BY

The Sudder Dewanny Adawlut,

FROM THE END OF THE YEAR 1837,

TO

THE END OF THE YEAR 1840.

ACTS.

See Evidence, Nos. 74, 85, 125.

AMEENS. *Nos.*

Communicating, in continuation of Circular No. 197, dated 13th January (W. P. 1st February) 1837, that ameens have the power, under Clause 3, Section 2, Regulation VII. of 1825, of selling real as well as personal property in satisfaction of decrees. Lower and Western Provinces, 7th February 1840, ... 69

APPEALS.

See Periodical Reports and Statements No. 2.
See Principal Sudder Ameens, Nos. 4, 8, 65.
Modifying the certificate No. 1, prescribed by the Circular Order No. 118, 24th October 1834. L. and W. P. 24th August 1838, ... 16
Rules regarding the receipt and admission on the files of the judge's court, of regular appeals from the decisions of the subordinate judicial functionaries. L. and W. P. 28th September 1838, ... 20
Supersession by Acts VII. and XXII. of 1838, of the provisions of Clause 2, Section 27, Regulation XXIII. of 1814, and the Construction thereon, No. 870, of 21st February 1834, relative to appeals. L. and W. P., 23d August, 1839, ... 46

Nos.

Requesting particular attention to existing instructions relative to the proper course to be followed by the judge in taking up petitions of appeal, under Clause 3, Section 16, Regulation V. of 1831, and Act VII. of 1838, when the petitioner may not be in attendance in person or by vakeel. L. and W. P., 23d August, 1839, ... 47
See Civil Causes, No. 102.

ARBITRATORS.

Appointment of arbitrators under Construction of Sections 3 and 4, Regulation XXI. of 1803. W. and L. P., 12th October, 1838, ... 24

CAZEES.

Measures prescribed for the better attainment of the objects of registration of deeds by pergunnah cazees. L. P. 28th September, and W. P., 23d November, 1838, ... 21
Instructions regarding the appointment and duties of pergunnah cazees. L. and W. P., 6th December, 1839, ... 61

CIVIL CAUSES.

Cases decided by the criminal authorities under the provisions of Section 6, Regulation VII. 1819, are not open to a civil action. L. P. 31st August, and W. P. 13th November, 1838, 81

Nos.

Rules to be observed by the civil courts for procuring the attendance of parties in cases remanded for further investigation or to be tried *de novo*. W. P. 3d and L. P. 31st August, 1838, ... 19

Instructions regarding the legality of dividing a claim into several parts. An order passed on the execution of a decree, carrying out the original intentions of the decree, does not constitute a new cause of action. L. and W. P. 11th January, 1839, ... 29

Rule of procedure when the defendant in a regular suit may plead that the plaintiff has underrated the value of the property sued for. L. and W. P. 19th June, 1840, ... 90

Directing the insertion, in all decrees passed in appeal, of the date on which the suit was referred to the subordinate court for trial. L. P. 14th August, and W. P. 4th September, 1840, ... 96

Prohibiting certain irregular practices of the lower courts in passing decisions in suits remanded to them for re-trial; and pointing out the course to be pursued. W. P. 28th August, 1840, ... 102

Calling the attention of the judges to the rules contained in the Circulars, No. 12 of the 7th August 1817, No. 60 of the 25th October 1822, and No. 179 of the 5th August 1836, and in Section 21, Regulation V. 1831, and Section 10, Regulation XXVI. 1814, regarding the mode of conducting civil suits. L. P. 2d October, 1840, ... 109.

CIVIL COURTS.

Civil courts, in reversing sales of estates made in satisfaction of arrears of public revenue, not to declare the precise sum receivable by the auction purchaser as compensation, but merely to order the restoration of the former proprietor to possession with whatever mesne profits he may be entitled to receive for the period of his dispossession. L. and W. P. 10th August, 1838, ... 15

Cancelling the Circular Order No. 15, dated 10th August 1838, which prescribes an alteration, in certain particulars, of the practice of the courts in suits brought against Government and the auction purchasers of estates sold for arrears of revenue. L. and W. P. 16th April, 1840, ... 78

Instructions regarding the extent of the powers vested in the civil courts, in putting auction purchasers in possession of property purchased by them, on a requisition of the collector, under Clause 1, Section 28, Regulation XI. of 1822. L. P. 1st November, and W. P. 13th December, 1839, ... 55

Communicating observations and orders relative to the release from restraint of revenue defaulters by the courts, under Clause 1, Section 16, Regulation XXVII. of 1803. W. P. 6th December, 1839, ... 62

Intimating the proper course to be followed on a party in a suit filing a deed written on paper not bearing the prescribed stamp. L. and W. P. 3d January 1840, ... 64

Prescribing rules for the observances of parties giving in stampt paper in order to obtain copies of decrees, and for regulating the procedure of the civil court in the same matter. L. and W. P. 8th May 1840, ... 82

Calling for returns of the principal ministerial officers attached to the courts of the civil and session judges. L. P. 20th November, 1840, 118

CONSTRUCTIONS.

Intimating that a collector has no power, under Clause 4, Section 4, Regulation VII. of 1825, to postpone a sale without an order to that effect from the court ordering the sale, and cancelling the concluding words of paragraph 2, of the printed Construction No. 794. L. and W. P. 4th September, 1840, ... 105

CORRESPONDENCE.

Enjoining the observance of Circular No. 20, dated 2d July 1830, requiring each letter addressed to the Court to be accompanied by an abstract of its contents. W. P. 13th November 1840, ... 116

COPIES OF PAPERS.

Instructions in regard to the description of documents, of which copies should be given to pauper plaintiffs on plain paper, under Section 8, Regulation XXVIII. of 1814. L. and W. P. 1st November 1839, ... 56

Instructions regarding applications for copies of papers connected with suits pending before native judges. L. P. 15th November, 1839, and W. P. 16th January, 1840, ... 58

See Civil Courts, No. 82.

COSTS.

See Miscellaneous Cases, No. 13.

DAWK.

Circulating an extract of a letter from the post master general, regarding the tying up of parcels intended to be sent by dawk. L. P. 28th February and W. P. 13th March, 1840, 70

Nos.

DECREES.

Revenue authorities to be furnished with copies of those decrees only which are final, and of which execution shall have been taken out. L. P. 5th October, 1838, ... 22

Prescribing rules for the observance of the subordinate courts in regard to the preparation of their final decrees, and transmission to the judge's court of the records of decided cases by the inferior tribunals. L. and W. P. 20th September, 1839, ... 49

Directing, with reference to the concluding paragraph of the Circular No. 49, dated 20th September 1839, that when principal sudder ameens decide no suits above 5000 Rs. in value, a note to that effect should be appended at the foot of the supplement to part 4 of the monthly civil statement No. 1. L. and W. P. 28th February, 1840, ... 71

DUTIES OF ASSISTANTS, &c.

Officers in charge of current duties of the office of civil and session judges, have the power of giving leave of absence for a limited period, in urgent cases, to the vakeels and amlah. L. and W. P. 11th October, 1839,..... 53

ENGLISH DOCUMENTS.

Instructions in modification of paragraph 4, of the Circular Order, No. 4, 23d February, 1838, regarding the cognizance by principal sudder ameens of suits in which English documents may form a part of the evidence. L. P. 18th, and W. P. 31st October, 1839, ... 54

EVIDENCE.

Forwarding translations in Bengalee and Urdu of the form of declaration prescribed by Act V. of 1840, with instructions for bringing the provisions of that law into operation. L. P. 3rd April, 1840,.. 74

With reference to Act V. of 1840, transmitting, with instructions how to administer the same, a translation of the affirmation enjoined to be taken by all Hindoo and Mahomedan deponents. W. P. 15th May 1840,..... 85

With reference to the provisions of Act XXIII. of 1840, communicating instructions regarding the obtaining the evidence of witnesses residing in Calcutta. L. P. 18th December, 1840,..... 125

EXECUTION OF DECREES.

Calling for a report of the practice observed in their districts in regard to the payment of money realized in satisfaction of the decrees of the moonsiffs' courts, together with such suggestions as they may have to offer on the subject, &c. L. and W. P. 22d March, 1839, ... 32

Rule for effecting the sale of property, situated in a different jurisdiction from that in which the decree was passed. L. and W. P. 8th May, 1840,..... 83

See Sales, No. 106.

Communicating rule of practice regarding the authority for disposing of claims to share in the proceeds of sales in satisfaction of decrees. L. and W. P. 20th November, 1840, ... 119

FINES.

See Periodical Reports and Statements, No. 6.
See Native Judges, No. 37.
See Uncovenanted Servants, No. 95.

GLAZED DOORS AND WINDOWS.

Instructions for the preservation and repair of glazed doors and windows. L. P. 31st May, and W. P. 20th September, 1839,..... 35

Authorizing an alteration in the Circular Order, No. 35, dated 31st May, (W. C. 20th September,) 1839, regarding glazed doors and windows. L. and W. P. 1st May 1840, ... 80

GOVERNMENT PLEADER.

Rule for affording the Government pleader the ready means of realizing his fees from Government, in cases decided wherein the Government is a party. W. P. 4th September, 1840, 104

INTEREST.

Rule regarding interest or wasilaut accruing subsequently to the institution of a suit, and while it may be pending ; and also regarding interest or wasilaut accruing from the date of the decree. L. and W. P., 11th January, 1839, ... 29

JUDGE'S OFFICE.

See duties of Assistants, No. 53.

JURISDICTION.

See Execution of Decrees, Nos. 83, 119.

LANGUAGE.

Transmitting copy of a Resolution of Government, and requesting that measures be taken for substituting, for the Persian, the vernacular language. L. P. 9th February, 1838, ... 3

Nos.

Proceedings addressed to certain officers in the Hazareebagh Division, to be written in the Urdu language. L. P. 23d November 1838,... 27

Instructions, in pursuance of the orders of Government dated 6th April, for the general introduction of the vernacular or Hindoostanee language in civil proceedings, in supersession of the Persian. W. P. 19th April, 1839, ... 33

Resolution declaring the Urdu to be the language of record in the Sudder Court, and containing further rules in regard to the introduction of the vernacular languages into the courts of justice. L. P. 5th July, 1839, ... 42

The introduction of the Nagri character in writing the Urdu language to be gradually and cautiously effected. L. P. 1st November, 1839, 57

LEAVE OF ABSENCE.

See Principal Sudder Ameens, No. 103.

MINISTERIAL OFFICERS.

See Civil Courts, No. 118.

MISCELLANEOUS CASES.

Rules which govern award of costs in regular suits to be considered equally applicable to miscellaneous cases. W. P. 27th July, and L. P. 10th August, 1838, ... 13

MOONSIFFS.

Directing the adoption of a form of statement, showing the quantity of business disposed of daily by the several moonsiffs. W. P. 14th October, 1837, ... 1

See Periodical Reports and Statements, No. 10.

Extending to moonsiffs the rule laid down regarding the mode of address in paragraph 2, Circular Order No. 64, 30th November, 1832. W. P. 24th August, and L. P. 19th October, 1838, 25

See Stamps, No. 87.

See Tulubana, No. 98.

Rules regarding the rates of allowance, payable respectively to persons who officiate as moonsiffs, and to those who are merely placed in charge of moonsiffs' offices. L. P. 6th March, and W. P. 1st May, 1840, ... 72

Directing that communications between moonsiffs of the same district be carried on direct, and not through the intervention of the judge's court. W. P. 27th March and L. P. 10th April, 1840, ... 75

Directing the judges to report the occurrence of vacancies in the list of moonsiffs of the first grade, with their opinion in respect to the officers best qualified to succeed. W. P. 1st May, 1840, ... 81

Transmitting rules passed by the Governor General in Council for the examination of candidates for the office of moonsiff, with forms of certificates. L. P. 21st August, 1840, ... 97

Communicating instructions on the subject of the tuhseeldaree cutcheries being constituted as places of deposit for sums realized by moonsiffs from the sale of real property in the execution of their decrees. W. P. 18th September, 1840, 107

Communicating rules for the examination of candidates for the office of moonsiff, and fixing the stations for holding the periodical examinations. W. P. 20th October, 1840,..... 112

Circulating extract from a despatch from the Hon'ble the Court of Directors, relating to the Circular No. 1, of the 14th October, 1837, which directs the adoption of a form of statement shewing the quantity of business disposed of daily by the moonsiffs. W. P. 13th November, 1840, ... 117

Forwarding sunnuds of appointment for moonsiffs, with instructions on the subject. W. P. 11th December, 1840,..... 123

MOHURRIRS (EXTRA.)

Prescribing the rate of payment for copying proceedings in cases referred to the Sudder Court. L. P. 28th June, 1839. 40

Authorizing the employment of extra mohurrirs to be paid at section rates, for copying proceedings in cases appealed from the decisions of principal sudder ameens to the Sudder Court. W. P. 24th April, 1840, ... 79

Rate of remuneration for persons copying papers in the judges' courts. W. P. 31st July, 1840, 100

Fixing a uniform rate of remuneration to be paid to persons copying papers in the judges' courts. L. P. 4th September, 1840,..... 101

NATIVE JUDGES.

Allowances drawn by the native judges on account of stationery and establishment, should be *bonâ fide* appropriated to those purposes. L. and W. P. 2d March, 1838, ... 5

Forms of address to be observed by public functionaries in their correspondence with native judges. L. P. 6th July, and W. P. 7th September, 1838,..... 9

Officers on the establishment of native judges not to be dismissed by them, except on the score of misconduct or incapacity. L. P. 5th September and W. P. 5th October, 1838, ... 23

Nos.

Native Judges are competent of their own authority to realize fines imposed by them under Clause 1, Section 18, Regulation X. of 1829, L. and W. P. 7th June, 1839,..... 37

See Vakeels and Special Agents, No. 51.

See copies of Papers, No. 58.

Rules to be observed, and mode of address to be adopted by native judges, when corresponding on matters of business with covenanted officers and natives of rank. L. and W. P. 16th November, 1839, ... 59

See Moonsiffs, No. 72.

Rules regarding applications from native judicial officers for promotion. L. and W. P. 6th March, 1840, ... 73

With reference to Circular No. 115, dated 26th September 1834, and to the orders of Government thereto annexed, intimating that when native judges from sickness may have exceeded the authorized period of absence during the usual vacations, they are not liable to a deduction of salary for the entire period of absence. L. and W. P. 10th April, 1840, ... 76

Establishing a fixed rate of travelling for native judicial officers transferred from one district to another. L. P. 15th May, and W. P. 20th March, 1840, ... 84

Prohibiting the native judges from deciding undefended and other easy suits out of their course, and enjoining them to bring on depending cases for trial according to the order of their institution. L. P. 3d July, 1840, ... 91

PAUPERS.

See copies of Papers, No. 56.

PERIODICAL REPORTS AND STATEMENTS.

See Moonsiffs, No. 1.

Prescribing a new form of statement of appeals to be substituted for that prescribed by the Circular Order of the 27th April 1832, No. 45. W. P. 8th December, 1837, ... 2

Directing zillah and city judges to adopt and cause to be introduced into the subordinate courts the form of register of fines prescribed by the Nizamut Circular Order, No. 4 of the 5th January, 1838. L. P. 6th April, and W. P. 4th May, 1838, ... 6

Razeenamehs filed in the moonsiffs' courts not to be drawn upon stampt paper. Cases adjusted or withdrawn, or decided on a confession of judgment, how to be entered in the periodical statements. L. P. 20th July, and W. P. 3d August, 1838, ... 10

Nos

Authorizing entertainment of extra mohurrirs for keeping up the registers prescribed by Section 4, Regulation XVIII. 1793, and prescribing forms of registers. L. P. 10th August, and W. P. 23d November, 1838, ... 14

Rules for the preparation of the monthly and annual civil statements, with new forms. L. P. 7th, and W. P. 21st December, 1838, ... 28

Calling for an annual report on the register books. L. P. 8th March, 1839,..... 31

See Principal Sudder Ameens, No. 39.

Instructions in regard to entry, in statement No. 1, part 1, of suits again brought on the file consequent on a summary appeal under Section 3, Regulation XXVI. of 1814, and Act XXII. of 1838. Mode in which additions are to be made to the appendix of Circular No. 28, Vol. III. L. and W. P. 16th August, 1839,..... 45

Instructions regarding a supplement to part 4, of the monthly statement No. 1, for showing the dates on which records of suits disposed of are forwarded to the judge's office. L. and W. P. 20th September, 1839, (paras. 12 to 14,) 49

Directing, with reference to the concluding paragraph of the Circular No. 49, dated 20th September 1839, that when principal sudder ameens decide no suits above 5000 Rs. in value, a note to that effect should be appended to the foot of the supplement to part 4 of the monthly civil statement No. 1. L. and W. P. 28th February, 1840, ... 71

Directing an addition to be made to paragraph 4, of the Circular No. 10, dated 20th July, 1838, regarding the mode of entering in the periodical statements, suits in which verbal representations may be made by the plaintiffs or their vakeels, of their having abandoned the prosecution of the suit from any cause. L. and W. P. 11th October 1839,..... 52

See Stamps, No. 60.

Communicating instructions for giving better effect to the use and object of the quarterly report of unanswered requisitions required to be made to commissioners, concerning execution of decrees, by the Circular Order No. 127, dated 12th December 1834. W. P. 19th June, 1840, 88

Directing that the futwas and bewustas annually forwarded to the Court, and the certificates of principal sudder ameens appended to the monthly civil statements, be written on paper of English manufacture. L. P. 19th June, 1840, 89

Prescribing an addition to the heading of column 2 of the quarterly statement required to be sent to the revenue authorities by Circular Order of the 12th December, 1834. L. and W. P. 6th November 1840, ... 115

See Moonsiffs, No. 117.

Nos.

PRINCIPAL SUDDER AMEENS.

Communicating orders with reference to Act XXV. 1837. L. and W. P. 23d February, 1838, 4

Communicating an amendment of part of the Circular Order, No. 4, 23d February 1838, relative to appeals from decisions of the principal sudder ameens in suits above the value of 5000 Rupees. L. and W. P. 6th January, 1840,..... 65

See also, English documents, No. 54.

Rules regarding the proper course of appeal from orders passed by principal sudder ameens in cases referred to them under Sections 1, 4, and 8, Act XXV. 1837. L. and W. P. 5th June, 1838, 8

Certificates forwarded by principal sudder ameens with their returns to the Court's precepts, not to be drawn out in English when those officers are not acquainted with that language. W. P. 20th July, and L. P. 10th August, 1838, ... 12

Principal sudder ameens not authorized to remand cases to sudder ameens and moonsiffs for retrial, without the sanction of the judge. Such cases how to be entered in the periodical statements. L. and W. P. 14th June, 1839,..... 39

Principal sudder ameens required to conform to the practice of the zillah court in forwarding their certificates of appeal, and in making their returns to the Court's precepts under Act XXV. 1837, substituting the vernacular for the English language. L. and W. P. 10th September, 1839,..... 48

Directing the principal sudder ameens to state in their proceedings, both in regular and miscellaneous cases, whether the suit is for an amount above or below 5000 Rs. L. P. 17th, and W. P. 31st July 1840, ... 93

Directing principal sudder ameens in cases tried under Sections 1, 5, and 7, of Act XXV. 1837, to exhibit in a prominent and uniform manner, in the decree or final order, information regarding the amount of the suit. W. P. 31st July 1840,..... 94

Applications from sudder ameens and principal sudder ameens, for leave of absence from their stations, on private affairs, to be submitted by the zillah judges to the Court of Sudder Dewany Adawlut, instead of to Government, with a statement of pending business. L. P. 4th September, and W. P. 27th October 1840, 103

Held that a principal sudder ameen is competent to order the imprisonment of a defendant in a suit above 5000 Rs. the judge merely issuing the necessary warrant to the jailor. L. and W. P. 18th September, 1840, ... 108

Nos.

PROVINCIAL PUNDITS.

Notifying the appointment of provincial pundits, as expounders of the Hindoo law to such zillah courts as may be embraced within their jurisdiction. W. P. 30th October, 1840, ... 113

Communicating instructions regarding the appointment of provincial pundits in the lower provinces. L. P. 11th December, 1840, ... 121

PUBLICATION OF SALE ADVERTISEMENTS.

Caution against delay in the publication of advertisements for the sale of estates on account of arrears of revenue. L. P. 10th August, and W. P. 7th September, 1838, ... 11

PUBLIC PROPERTY.

Public functionaries bound to receive charge of public property when the officer in custody of it is prevented by any circumstance from retaining charge. L. and W. P. 23d November, 1838, 26

REGISTERS.

Instructions in respect to the entry, in the registers, of cases above Rs. 5,000 in amount, retained by the principal sudder ameens under paragraph 13 of Circular No. 49, 20th September, 1839. L. and W. P. 20th December, 1839,... 63

See Periodical Reports and Statements, Nos. 14, 31.

REGISTRY.

Intimating that security bonds for the eventual payment of costs of suits may be registered under the provisions of Regulation XX. 1812. L. and W. P. 16th April, 1840, ... 77

REGULATIONS.

Correcting an error in the Persian translation of a portion of Article 7, Schedule A. Regulation X. 1829, regarding stamps. L. and W. P. 10th July, 1840, ... 92

Forwarding copies of an erratum to the Persian version of Regulation X. 1829. L. P. 11th December, 1840, and W. P. 4th January, 1841, 122

REVENUE DEFAULTERS.

See Civil Courts, No. 62.

REVIEW OF JUDGMENT.

Communicating orders in regard to reviewing the decisions of a judge who has obtained leave of absence exceeding 6 months, and who is likely to remain absent in excess of that period. L. and W. P. 7th June, 1839,..... ... 38

Nos.

SALES.

A decree-holder purchasing property brought to sale in satisfaction of his decree, may file his receipt for the amount of his claim in lieu of an equivalent amount of purchase money; provided the claims of other parties and the demands of Government for revenue, are not compromised. L. and W. P. 18th January, 1839, 30

See Constructions, No. 105.

See Execution of Decrees, No. 83.

See Publication of Sale Advertisements, No. 11.

Rule regarding the mode of conducting sales in satisfaction of decrees when the property to be sold has on it the prior lien of a mortgage. L. and W. P. 8th September 1840, ... 106

SEALS.

Intimating the despatch of seals for the principal sudder ameens and sudder ameens in the North Western Provinces. W. P. 20th November, 1840, ... 120

Forwarding seals for the courts of the principal sudder ameens and sudder ameens in the lower provinces. L. P. 18th December, 1840, ... 126

SECURITIES.

Instructions in regard to fixing the time within which appellants must file security for costs. L. and W. P. 12th July, 1839, ... 43

See Registry, No. 77.

SPECIAL AGENTS.

See Vakeels, &c. No. 41.

STAMPS.

Calling attention to the printed Construction, No. 325, which prohibits the admission as evidence of unstampt obligations written in merchants' and bankers' books. L. P. 11th May, and W. P. 8th June, 1838, ... 7

Pointing out the consistency of the Circular, No. 7, 11th May, 1838, and Construction No. 325, with Construction No. 592. W. P. 3d, and L. P. 31st August, 1838,..... 17

Directing that in future the stamps used in petitions of appeal which are remanded for further investigation, be forwarded to the collector for verification. L. and W. P. 10th May, 1839,... 34

See Native Judges, No. 37.

Transmitting for information copies of correspondence regarding discontinuance of the practice of forwarding to the stamp office, for examination, petitions of plaint filed in suits adjusted by razeenameh. L. and W. P. 2d August, 1839, ... 44

Transmitting two forms of certificates in English and Hindoostanee applicable to occasions of refund of stamp duty. L. P. 6th December, 1839, and W. P. 16th January, 1840,..... 60

See Civil Courts, No. 64.

Providing for the protection of the interests of Government in respect to stamp duty in pauper suits before the moonsiffs. L. P. 12th June, and W. P. 24th April, 1840, ... 87

Rule regarding the value of the stampt paper to be used for engrossing petitions of plaint, or appeal, or petitions from parties desirous of appealing *in formâ pauperis*. L. and W. P. 28th August, 1840, ... 99

STATIONERY.

English stationery not to be charged for in contingent bills, but to be obtained by indent from the Government stores. L. P. 16th October, 1840, and W. P. 4th January, 1841, ... 111

TULUBANA.

Rules regarding the payment of tulubana in the courts of the moonsiffs. L. P. 28th August, and W. P. 18th September, 1840, ... 98

TRAVELLING.

Transmitting copy of a letter from the Judicial Secretary to the Government, on the subject of travelling allowances to the amlah of officers in the mofussil, when on duty in the interior of their districts. L. P. 20th September, 1839, 50

See Native Judges, No. 84.

UNCOVENANTED SERVANTS.

Applications from uncovenanted servants for leave of absence. L. P. 7th June, 1839, ... 36

See travelling allowances, No. 50.

Circulating an extract from a despatch from the Hon'ble the Court of Directors, relative to the imposition of heavy fines upon native servants of Government drawing small allowances. L. P. 7th, and W. P. 28th August, 1840, ... 95

Communicating the opinion of the Hon'ble the Court of Directors on the subject of natives employed in, and trained to the duties of, one department of the public service, being transferred to another. L. P. 16th October, and W. P. 5th November, 1840, ... 11

Nos.

Representations addressed to the Government by the uncovenanted judges or other officers, relating to their services, to be forwarded by themselves through the public post. L. P. 30th October, 1840,.. 114

VAKEELS AND SPECIAL AGENTS.

Remuneration granted to a special agent not recoverable, by a successful suitor, from the losing party. L. and W. P. 28th June, 1839,... 41

Transmitting extract of a letter from Government, authorizing the extension of the provisions of Regulation XII. of 1833, to all the courts in the North Western Provinces, except those of the moonsiffs. W. P. 27th September, 1839,..... 51

See Government Pleader, No. 104.

Communicating instructions for the better enforcement of the provisions of Clause 3, Section 18, Regulation V. 1831, and Regulation XII. 1833, and for the allotment and distribution of pleaders in the courts of the judge, principal sudder ameen, and sudder ameen. L. P. 18th December, 1840,... 124

WITNESSES.

See Evidence, Nos. 74, 85, 125.

FINIS.

Calcutta, 1841:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 4th January, 1841.

No. 127.

Purport of former Circulars touching points of civil procedure under Regulation XXVI 1814, embodied in one order.

* August 7th 1817. October 25th 1822. August 5th 1836.

THE Court deem it necessary to embody, in a succinct form, the purport of former Circular Orders* regarding certain essential points of procedure under Regulation XXVI. 1814, for the guidance of the civil authorities, and especially of the subordinate judges, who are now vested with such important powers, and whose adherence to the rules in that law is of the greatest moment to the due discharge of their judicial duties.

2. The provisions of the enactment referred to, to which particular attention is required, and the object of which is to simplify and facilitate the proceedings of the civil courts, are the following:

Rules requiring enforcement particularized, viz. in Cl. 2, Sec. 5, Cl. 3, Sec. 6, and Sec. 10, Reg. XXVI. 1814.

1st. Those contained in the second Clause of Section 5, which direct that all pleadings and petitions required to be written on stampt paper, be written in a fair, legible hand, and prepared with regard to the size of the writing, the space between the words, and the number of lines.

2nd. The restriction in the third Clause of Section 6, against the admission of supplemental pleadings without special permission of the court, after perusal of the pleadings previously filed.

3rd. The rules prescribed in Section 10, (which are important towards the prevention of superfluous matter, and needless delay in the trial and decision of civil suits,) with a view to ascertain the precise object of the action, the grounds on which it is maintained, and the point or points to be established by the parties respectively, when the suit is first brought to hearing after the pleadings are completed, and before any exhibits are filed or witnesses summoned.

Judges to notice to lower courts instances of neglect to observe these rules, and, on a recurrence of the omission, to report to the Court.

3. The judges are enjoined, in the trial of appeals from the decisions of the subordinate courts, to point out to the latter any instances in which they may have neglected to observe the above rules (particularly those in Section 10, an adherence to which, besides promoting the easy adjudication of suits, is calculated to save the parties themselves from much useless expence, and to relieve the public from the inconvenience of quitting their homes and occupations to attend the courts as witnesses,) and should any officer, after such caution, still neglect the observance of the rules, a full report of the circumstance is to be made to the Court.

Matters to be looked to in the preliminary stage of the proceedings noticed.

4. Attention is especially requisite in the preliminary stage of a proceeding, clearly to ascertain the points at issue, and distinctly to note such points to the parties as those which they are to prove, respectively; and the presiding authority, in weighing the apparent tendency and the applicability or otherwise of the evidence offered, should, previous to rejecting any as appearing superfluous, consider well whether or not such evidence (though deemed unnecessary by the court of original jurisdiction) may be deemed requisite by the appellate court.

The proceeding required by Section 10 of the Regulation, always to accompany the record of appealed cases; its omission will be duly noticed.

5. The omission to accompany the record of appealed cases submitted according to the rule in Section 8, Regulation IX. 1831, with the proceeding required to be drawn up by Section 10, Regulation XXVI. 1814, being extremely inconvenient, particularly where the appellant pleads that the lower court has omitted to receive documents tendered or to summon witnesses named by the party, the Court enjoin the invariable submission of that proceeding in all appealed cases; and should it appear, on the case coming before them, that no such document has been drawn up, serious notice will be taken by the Court of the neglect.

Rules in Section 10 of the Regulation applicable to appeals as well as original suits; judges will observe them in trial of appeals.

6. The judges will not fail to observe that the rules in Section 10 of the Regulation alluded to, apply to the trial of appeals as well as of original suits; and they will therefore in all cases record on their proceedings the precise points at issue and the grounds on which the parties maintained their several pleas.

Strict observance of rules in Section 21, Regulation V. 1831, enjoined on principal sudder ameens.

7. The principal sudder ameens will be instructed to observe strictly the rules prescribed for their guidance by Section 21, Regulation V. of 1831, and told that any neglect on this point will be visited with proper notice by the Court.

Witnesses in civil suits to be in all possible cases personally examined by the authority presiding in the adjudicating court: in instances of necessary exception to this rule, precautions enjoined by law to be followed.

8. It being the evident intention of the Regulations and most desirable for the ends of justice that witnesses in civil suits should, in all possible cases, be examined *vivâ voce* by the authority who conducts the trial and decides on the merits of the case, this course is to be followed as much as practicable; but when necessity may require the employment of native officers in this duty, the provisions of Clause 1, Section 11, Regulation XXVI. 1814, should be duly observed, and the officer so employed should be informed, by a proceeding held in pursuance of Section 10 of that enactment, of the point or points on which the examination is to be taken, and told not to allow the parties or their vakeels to question the witnesses on other points; and the grounds of necessity which may compel a recourse to such auxiliary agency, and hinder the personal examination of the witnesses by the court trying the case, should, in each instance, be recorded on the proceedings.

And when a native officer is employed in taking depositions, his signature to be affixed in token of his being responsible.

9. It should be made known, as a general rule, that when a deposition may be taken before a native officer, he is to affix his signature in proof of its having been taken before him, that it may appear to whom, in case of irregularity, responsibility attaches.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 8th January, 1841.

No. 128.

Instructions for the guidance of principal sudder ameens, regarding points at issue, and the drawing up of decrees.

I AM directed by the Court to request, that you will instruct the principal sudder ameen of your district, invariably to consider and record the points at issue, to be established by the parties; and to insert the same in his final decree.

2. You will also furnish the principal sudder ameen, with a translation of Section 40, Regulation XXIII. 1814, and inform him, that the grounds on which his decisions are founded, should be drawn up with distinctness and brevity, and must not contain any matter immaterial or irrelevant to the suit.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 8th January,
Western Provinces, 13th February, } 1841.

No. 129.

Calls attention of the subordinate courts, through the judges, to the Regulations prescribing rules for the preparation of pleadings, and enjoins observance thereof, with penalty on failure.

REPEATED instances having been lately brought to the notice of the Court, evincing much want of attention on the part of the uncovenanted judges, and of the vakeels and agents attached to their courts, to the rules prescribed for the preparation of pleadings, the Court request, that the judges will ascertain that every uncovenanted judge under their control is furnished with translations of Section 25, Regulation XXIII. 1814, Clauses 2 and 4, Section 5, Regulation XXVI. 1814, and Section 9, Regulation XXVII. 1814.

2. The uncovenanted judges should, at the same time, be informed, that it is their duty to see that the vakeels and agents, attached to their courts, draw up "the plaint," "the answer," "the reply," and "the rejoinder," as also "the reasons of appeal," and "the reply" thereto, in strict conformity to the regulations; and the Court will hereafter hold any officer, who may be proved to be generally inattentive to this important subject, to have been guilty of gross neglect of duty, bringing him within the provisions of Section 26, Regulation V. 1831.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 8th January, 1841.

No. 130.

Attention of judges called to the rules regarding the admission of special appeals.

THE Court having reason to know that due attention is not paid, in all the districts under their superintendence, to the rules prescribed for the admission of special appeals, I have been directed to call your particular notice to the provisions of Clauses 1, 3, and 5, Section 2, Regulation XXVI. 1814, and of Constructions Nos. 246, 248, and 289, and request, that you will furnish the vakeels of your Court with translations of those rules, and that you will be strictly guided thereby in the admission and disposal of those appeals.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 15th January, 1841.

No. 131.

Form of explanations regarding suits of more than a year's standing, and period of submitting them; likewise those relating to miscellaneous cases.

THE explanations submitted to the Court, regarding the cause of delay in the disposal of suits pending beyond one year, being in some instances rather confused, I am directed by the Court to request that you will cause them to be prepared in future agreeably to the annexed form, stating distinctly why each suit is postponed.

2. You are requested to forward these explanations regularly with the civil monthly statements for March, June, September and December.

3. The explanations regarding the miscellaneous business, will be submitted only with the monthly civil statements for September and December.

***EXPLANATION** of Part 3 of the Civil Statement for the District of regarding the cause of delay in the disposal of suits pending beyond one year.*

	Suits pending beyond one year.			Remarks.
	Original.	Appeals.	Total.	
				Original Suits.
Before the Judge, ...	3	2	5	1 of 1837—received for re-trial, on the 1st July 1840 notices issued to parties to attend. 2 of 1839—1 to be tried with a case pending in appeal; 1 ready for hearing.
				Appeals.
				2 of 1839—both ready for hearing.
				5

	Suits pending beyond one year.			Remarks.
	Original.	Appeals.	Total.	
Before the P. S. Ameen,	1	2	3	*Original Suits.* 1 of 1839—witnesses sent for. *Appeals.* 1 of 1838—received back for re-trial; parties summoned. 1 of 1839—an Ameen sent out to measure the land. 3
Before the Sudder Ameen, ...	0	0	0	None.
Before the Moonsiff of	2	0	2	1 of 1838—received back for re-trial; an Ameen sent. 1 of 1839—ready for hearing. 2
Total, ...	6	4	10	

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 15th January, 1841.

I AM directed by the Court to forward to you the following extract of a resolution, recorded in the Judicial Department, on the 1st December last, by the Right Honorable the Governor of Bengal.

No. 132.

Particular attention to be given to the disposal of cases of long standing.

Para. 27. "It seems not altogether impossible to make this statement* almost, if not entirely, a blank statement, except for the last year's column. Certainly the cases in other years should be always extremely few, and their appearance should be accounted for strictly. His Lordship relies on the strenuous exertions of the Court to bring about something like this very desirable consummation. Particular stress should be laid on this

* Statement shewing the years in which the original suits and appeals pending were instituted.

by the Court in their instructions to their subordinates. It may be suspected that as old cases are generally difficult and therefore tedious cases, the judges may sometimes give more attention to easily decided new cases than to these old arrears. This should be counteracted, and credit should be freely given to those judges who at least keep the arrears of former years out of the returns of the present."

2. Section 19, Regulation IV. 1793, the Court observe, directs the judges to bring on for trial the causes depending in their respective courts, in the order in which they may be filed; and the Court have instructed me to call your particular attention to that enactment.

3. The explanations given of the causes that have occasioned delay in the disposal of cases that have been pending beyond twelve months, are, the Court remark, in many instances very insufficient and unsatisfactory.

Time in which cases should, in general, be decided in the several courts.

4. Referring generally to the state of the files in the different districts in the Lower Provinces, the Court are clearly of opinion that very few cases should remain undecided, in the courts of the judge and principal sudder ameen, that have been instituted beyond eight or ten months, and none in the courts of the sudder ameens and moonsiffs that have been instituted beyond six.

Want of diligence in the majority of the uncovenanted judges.

5. From the very regular manner in which the majority of the uncovenanted judges decide the exact minimum standard of cases, fixed by the Circular Order No. 63, of the 21st September 1832, at 25 suits per mensem, the Court are led to believe that a greater number of cases, particularly when the suits instituted may consist principally of debts due on bond or otherwise, might be readily disposed of by those officers.

Moonsiffs who exert themselves satisfactorily in reducing arrears, entitled to promotion.

6. In directing your attention to this point, I am instructed by the Court to inform you that they will be prepared to sanction the removal of any moonsiff from one division to another who may, from well known zeal and diligence, be considered by you as better qualified to conduct the duties of a heavy moonsiffship than the present incumbent; and the officer selected by you to reduce the arrears and to put the moonsiffship in order, will, provided he perform this duty to the satisfaction of his superiors, be of course considered by the Court as entitled to earlier promotion in the department.

7. In carrying these orders into effect, you will guard against permitting any partial investigation or hasty decision; the object of the Court being to encourage diligence and merit, and to raise the efforts of the uncovenanted judges to the highest attainable standard.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 15th January, 1841.

No. 133.

Rules for the transaction of civil business.

I AM directed by the Court to forward to you a copy of certain rules, to which your particular attention is requested in the transaction of civil business during the present year,—the Court considering their general adoption very essential to the efficacy and success of the present system.

RULES.

1. All original suits instituted before the judge, to be at once transferred to the proper tribunals for decision.

2. All appeals from the uncovenanted judges to be heard and revised, as soon as practicable after the prescribed forms can be observed.

3. To obtain, under the Circular Order No. 65, 19th October 1832, the sanction of the Court of Sudder Dewanny Adawlut to the transfer of a proportion of the appeals from the decisions of the moonsiffs and sudder ameens, to the principal sudder ameen for decision, agreeably to Section 16, Regulation V. 1831. These applications to be submitted whenever the number of suits pending before the principal sudder ameen may be less than 200.

4. Carefully to superintend the state of the civil business before the uncovenanted judges; and to ascertain that the suits are brought to an early decision, and not allowed to lie over beyond six or eight months without special reasons.

5. To transfer, agreeably to Section 8, Act XXV. 1837, (for which authority is hereby granted,) to the principal sudder ameen, for disposal, all miscellaneous cases instituted and pending under headings Nos. 5, 6, 7, 8, 10, 11, and 12, together with any other miscellaneous matters legally transferrable under the regulations, to that officer.

6. To check all irregular pleadings, and to ascertain that the uncovenanted judges pay due attention to this important subject, as well as to the proper preparation of their own decrees.

7. Strictly to abide by the provisions of the regulations and the instructions of the Court, in the admission of special appeals and reviews of judgment.

8. To bring to the immediate notice of the Court, in the prescribed manner, all instances of gross neglect or incapacity on the part of the uncovenanted judges, and in like manner to take every proper opportunity of bringing forward the claims of those officers, who, from their zeal, diligence, and attention, are deserving of promotion to a higher grade.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES, THE GOVERNOR GENERAL'S AGENT AT HAZAREEBAGH, AND THE COMMISSIONER OF ASSAM.

Lower Provinces, 5th February, 1841.

No. 134.

Mode of designating certain moonsiffs. Attention called to Circular Order No. 156, 6th November, 1835.

I AM directed by the Court to request that you will distinguish those moonsiffs who have been promoted to the higher grade, and those who were appointed in consequence of having received diplomas of qualification from the Examination Committees, by styling the former as "1st grade moonsiffs," and by prefixing the letter D to the designation of the latter, in your monthly and other statements.

2. The rules contained in paras. 5 to 8 of the Circular Order No. 156, 6th November, 1835, not being generally observed, the Court request you will be careful, in future, to afford the information therein indicated regarding moonsiffs who are absent or under suspension, or who apply for leave of absence.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 12th February,
Western Provinces, 5th April, 1841.

No. 135.

Rules regarding allowances of uncovenanted judges, who may be restored to office or dismissed after having been suspended, and those of persons who officiate for such officers.

WITH the sanction of Government, I am directed by the Court to inform you that no moonsiff, sudder ameen, or principal sudder ameen, who may be suspended from office, should suffer any deduction from his salary if restored to his situation. His locum tenens during his suspension, if appointed to officiate with full powers, will draw the allowance received under the rules of the 29th January 1833, by officers officiating for absentees; and this amount will be an extra charge upon Government.

2. If the suspended moonsiff, sudder ameen, or principal sudder ameen, be dismissed from office, the whole of the salary will be allowed to the person who may have actually performed the duties of the office from the date of his taking charge.

3. You will be careful, under the above circumstances, to complete any enquiry you may deem requisite into the conduct of any uncovenanted judge, with all practicable despatch, so that the interests of Government may not suffer from a protracted investigation.

TO THE JUDGES IN THE LOWER PROVINCES, THE GOVERNOR GENERAL'S AGENT IN HAZAREEBAGH, AND THE COMMISSIONER OF ASSAM.

Lower Provinces, 19th February, 1841.

No. 136.

Error in Bengalee version of Art. 41, Schedule A, Reg. X. 1829, rectified.

THE authorized Bengalee version of Article 41, Schedule A. of Regulation X. 1829, being incorrect, I am directed by the Court to request that you will, in lieu thereof, substitute the following translation.

৪১ একচত্বারিংস পাটিস্যন অর্থাৎ বিভাগপত্র এতাবতা সাধারন বিষয়ের অধিকারি কি অংসিদিগের পরস্পর একবাক্যতাক্রমে অথবা জমিদারি এতাবতা স্থাবর কি অস্থাবর বস্তুর বিষয়ে সরকারের কার্য্যকারক কোন সাহেবের হুকুমক্রমে কিম্বা হিন্দুর ব্যবহারমতে সাধারণ বস্তুর বিভাগ হইলে একং অংসির অংস ৮০০ আট শত টাকার অধিক হইলে প্রত্যেক অংসির ঐ বিভাগ পত্রের নকল যে ইষ্টাম্প কাগজে লেখা যাইবেক তাহার মূল্য ৮৲

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 20th February, 1841.

No. 137.

Prescribes form of exhibiting particulars regarding regular suits and miscellaneous cases of old standing.

TO facilitate reference and simplify the exhibition of the important particulars regarding suits of old standing in the final column of part 3, statement No. 1 of civil business, the Court are pleased to desire that the judges will adopt, in preparing this part of the statement, the plan of entry in use in the Cawnpore zillah court; an example of which is given below, extending the space allotted for these remarks, when necessary, by pasting a sheet of paper to the foot. The principle of this plan of entry will equally apply to the miscellaneous cases of old standing in statements Nos. 2 and 3.

	1835.	1836.	1837.	1838.	1839.	1840.	*Explanations of the Causes of delay, &c.*			
								No. of Cases.	When Instituted.	Remarks.
Original suits pending before Judge, ...	.....	.....	A 1	.....	B 2	.....	A B	2731 4369 2840	1st May 1837, 10th April 1839. 8th June 1839.	
Principal Sudder Ameen, ...	C 1	D 1	.....	.....	E 1		C	6372	5th May 1835.	
			.....	.....	G					
Sudder Ameen,	.....	.....	F 1	.....	1					
			H		/					
Moonsiff of —	.....	.....	2							
Moonsiff of —										

TO THE CIVIL AND SESSION JUDGES, AND THE MAGISTRATES AND JOINT MAGISTRATES, IN THE LOWER PROVINCES.

Lower Provinces, 26th February, 1841.

No. 138.

The charge of treasuries to devolve, in all practicable cases, on covenanted rather than on uncovenanted officers.

IT being the wish of the Government that the charge of treasuries should, in all practicable cases, devolve upon a covenanted rather than an uncovenanted officer, I am directed by the Court to intimate to you that it must be considered the duty of the magistrate or joint magistrate residing at the same station with the collector or deputy collector, to assume charge of the treasury of the revenue officer, during the authorized or unavoidable absence of the latter.

2. Your attention is at the same time requested to the Circular Order No. 26, dated 23d November, 1838, which requires public functionaries to receive charge of public property when the officer in custody is unable, from any circumstances, to retain charge of it.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 27th February, 1841.

No. 139.

The practice to be observed in granting leave of absence to subordinate judicial officers and law officers, in the North Western Provinces.

THE following is to be considered the established practice in respect to granting leave of absence to subordinate judicial officers, and law officers, and to be observed, in future, in the districts under the control of the Court.*

2. Leave of absence, whether for the periodical vacations, or on other occasions, is granted to moonsiffs by the Sudder Dewanny Adawlut, and to sudder ameens and principal sudder ameens by Government, the recommendation coming, in either case, from the district judge. In urgent cases, the judge grants permission, and reports it to the Sudder Dewanny Adawlut for their sanction, or that of the Government, according as the grade of the applicant may require. Applications for leave on the part of law officers are forwarded to the Court, with the opinion of the sessions judge as to the propriety of compliance therewith.

3. Under the Circular Order of 27th October 1840, (published in the Urdu Gazette of the 11th November last,) the applications of the principal sudder ameens and sudder ameens are now forwarded by the judges to the Court, and by the Court to Government with their opinion whether the leave should be granted or not.

4. The present rule supersedes that portion of Circular Order No. 85, dated 10th May 1833, which made it competent to the zillah judges to grant leave of absence, on their own authority, to principal sudder ameens, sudder ameens, and moonsiffs, for the term of the periodical vacations.

* The original 1st paragraph was superseded on the 21st May, by that inserted above.

No 140
Rec.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 1*st March*,
Western Provinces, 18*th June*, 1841.

THE following instructions on the subject of Act XXIII. 1840, are promulgated for general information, and for guidance as occasion may require.

1st. Every process, civil or criminal, will be forwarded in an envelope to the address of the deputy sheriff of Calcutta, either by dawk, or by the hands of a peon, or other public officer, as may be most convenient, with a letter drawn up agreeably to the annexed form marked A.

2d. Any money that it may be requisite to send to the deputy sheriff, will be remitted by a bill on the General Treasury from the collector of the district.

3d. All subordinate judicial officers will submit the processes of their courts which may require execution under Act XXIII. 1840, to their European principal, to be by him forwarded in the prescribed manner to the deputy sheriff.

4th. All processes will be drawn up agreeably to the forms marked B. and C., or agreeably to such other forms as may from time to time be circulated by the Courts of Sudder Dewanny and Nizamut Adawlut.

5th. The party at whose requisition any witness may be summoned, must be prepared to pay to the witness such sum for his expences as the Judges of Her Majesty's Supreme Court may consider reasonable and proper.

6th. The judges and magistrates of the zillah courts will be careful that their own processes are drawn up correctly; and they will also ascertain that the processes of the subordinate courts, that may be forwarded to the deputy sheriff, are drawn up agreeably to these rules and to the Acts and Regulations of Government.

A.

TO THE SHERIFF OF CALCUTTA.

SIR,—I beg leave to enclose you (a notice* to be served on the parties therein named) which I request you will have the goodness to present to the Judges of Her Majesty's Court agreeably to Act XXIII. 1840.

* or (a proclamation to be affixed to the outer door of the house in which the parties reside)

or,
(a subpœna to be served on the witnesses therein named)
or,
(a warrant to seize and apprehend the witnesses therein named)
&c. mutatis mutandis.

2. On your intimating to me the expenses of serving this process, the amount will be forwarded to you by a bill on the General Treasury, and a person will attend hereafter (or a person accompanies this letter) to point out the parties.

I have the honor to be,
Sir,
Your most obedient Servant,

Judge or Magistrate.

Zillah ——
January 184— }

B.

CRIMINAL PROCESSES.*

C.

CIVIL PROCESSES.

No. 1—Summons.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

Ramdhun of Byedbatty, Plaintiff, *versus* Sheikh Edoo, of Cossitollah, in the Town of Calcutta, Defendant.

To Sheikh Edoo, of Cossitollah in the Town of Calcutta.

Take notice that Ramdhun, of Byedbatty, has instituted a suit against you in this court (or in the court of the moonsiff of Byedbatty, or in the court of the sudder ameen of this district) for the recovery of three hundred rupees. You are therefore required agreeably to Regulation II. of 1806 to acknowledge the receipt of this notice, and further attend in person, or by vakeel, and to deliver an answer to the plaint on or before the 22d of April 1841.

Given under my hand and the seal of the court, this 5th day of April 1841.

L. S. A. B. *Judge.*

* The Criminal Forms are entered in the Nizamut Adawlut Circular Order Book.

No. 2—Proclamation for the attendance of the Defendant.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

To Sheikh Edoo, of Cossitollah, in the Town of Calcutta.

Whereas Ramdhun, of Byedbatty, has instituted a suit against you in this court (or in the court of the moonsiff of Byedbatty, or in the court of the sudder ameen of this district) for the recovery of three hundred rupees; and whereas a notice was duly issued, requiring you to attend and to deliver an answer to the plaint on or before the 22d day of April 1841; and whereas it appears from the return of the nazir (or from the return of the deputy sheriff of Calcutta) that after diligent search, you were not to be found, and that the said notice was not served upon you according to the exigence thereof, proclamation therefore is hereby made agreeably to Regulation II. of 1806, that if you do not appear in person or by vakeel on or before the 15th day of May 1841, the court will proceed to try the cause ex-parte, and give judgment, as if you had appeared, and answered to the plaint.

Given under my hand and the seal of the court, this 25th day of April 1841.

L. S. A. B. *Judge.*

No. 3—Subpœna.

In the Court of Dewanny Adawlut for the Zillah of Hooghly.

Ramdhun, of Byedbatty, Plaintiff, *versus* Sheikh Edoo, of Cossitoliah, in the Town of Calcutta, Defendant.

To Baboo Rajndoss, of Cossitollah, in Calcutta.

Whereas your attendance is required to give evidence on behalf of the plaintiff (or of the defendant) in the above cause, you are hereby required personally to appear before this court (or before the court of the moonsiff of Byedbatty) on the 2d day of June 1841 for that purpose.

Given under my hand and the seal of the court, this 27th day of May 1841.

L. S. A. B. *Judge.*

No. 4—Warrant for the apprehension of a Witness.

To MOHUMUD ALLY,

Nazir of the Court of Dewanny Adawlut for the Zillah of Hooghly.

Whereas Baboo Ramdoss, of Cossitollah, in the Town of Calcutta, was duly subpœnaed on the 27th day of May 1841, to give evidence on behalf of Ramdhun, of Byedbatty, plaintiff; and whereas the sum of ten rupees was tendered to the said Baboo Ramdoss for his expenses, as appears by the declaration of Sheik Mungloo Peada who has also declared to the due service of the said subpœna; and whereas the said Baboo Ramdoss has neglected and refused to appear according to the exigence of the subpœna: You are hereby directed to apprehend the said Baboo Ramdoss, and to produce him before the judge of the said zillah (or before the moonsiff of Byedbatty in the said zillah.) In this fail not. Dated this 10th day of June 1841.

L. S. A. B. *Judge.*

No. 5—Warrant for Security to be furnished by a Defendant.

To MOHUMUD ALLY,

Nazir of the Court of Dewanny Adawlut for the Zillah of Hooghly.

Whereas Moonshy Khyroollah has instituted a suit in this court against John Smith for the recovery of twelve hundred rupees; and whereas the said Moonshy Khyroollah has satisfied the court by sufficient proof, that the said John Smith intends to abscond and to withdraw himself from the jurisdiction of the court: You are therefore hereby authorized and required to demand good and sufficient security in the sum of fifteen hundred rupees from the aforesaid John Smith for his personal appearance before this court, and in the event of the said John Smith not giving good and sufficient security as aforesaid, you are further authorized and commanded to take the said John Smith into custody and to bring him before this court.

Given under my hand and the seal of the court, this 10th day of May 1841.

L. S. A. B. *Judge.*

No. 6—Security Bond to be executed by a Defendant.

Whereas a suit has been instituted in the dewanny adawlut of the zillah of Hooghly by Moonshee Khyroollah, plaintiff, against John Smith, defendant; and whereas I, Ram Mohan Mullick, inhabitant of Sealdah, in the 24-Pergunnahs, have voluntarily become security for the appearance of the said defendant to answer to the said suit and perform

all such orders as may be passed thereupon, until the final decree on it shall have been carried into execution, I do therefore hereby engage and bind myself, my heirs and executors, that the said defendant shall appear in person or by vakeel to make answer to the plaint against him in the suit aforesaid, on or before the 20th day of May 1841, and further that the said defendant shall personally attend in the said zillah court whenever the same may be required by the judge thereof at any time whilst the above suit is depending before the zillah court, or before the final decree which may be passed thereupon by the above court shall be fully and completely carried into execution; in default of which, and in the event of my not producing the said defendant when called upon, I will be answerable for such sum as may be adjudged against him, and for the due performance of whatever order or decree may be passed against him on the suit above-mentioned: provided the same does not exceed the sum of fifteen hundred rupees. Dated this 15th day of May 1841.

Sealed and delivered in the presence of A. B. AND C. D.

RAM MOHUN MULLICK.

No. 7—WRIT OF SEQUESTRATION.

To MOHUMUD ALLY,

Nazir of the Court of Dewanny Adawlut of Zillah Hooghly.

Whereas Sheikh Syfoo has instituted a suit in this court against Ram Sohaee Singh for the recovery of ten thousand rupees, and whereas the said Sheikh Syfoo has satisfied the court by sufficient proof that he has just ground to apprehend that the said Ram Sohaee Singh means to dispose of his property whilst the suit against him is pending, for the purpose of avoiding the execution of an eventual judgment against the said Ram Sohaee Singh: You are therefore hereby authorized and required to demand good and sufficient security from the aforesaid Ram Sohaee Singh in the sum of twelve thousand rupees to make good the ultimate decision of the court; and in the event of the aforesaid Ram Sohaee Singh not giving good and sufficient security within the period of 24 hours, you are hereby further authorized and commanded to attach and sequestrate any lands, goods and effects, or other property, belonging to or possessed by the said Ram Sohaee Singh, to the amount of twelve thousand rupees, and to hold the same under attachment and sequestration until a final decision be passed by this court.

Given under my hand and the seal of the court, this 15th day of June 1841.

L. S.

A. B. *Judge.*

No. 8—Writ of Execution against the Person.

To the Nazir of the Court of Dewanny Adawlut for the Zillah of Hooghly.

Whereas Munsaram was directed by a decree of this court, under date the 15th day of May 1841, to pay to Edoo Sheikh the sum of rupees 500, and 50 rupees for costs of suit amounting to rupees 550; and whereas the said Munsaram, having notice of the said decree, has omitted to liquidate the same: These are therefore to command you to apprehend the said Munsaram, and, unless the said Munsaram shall pay to you the said sum of rupees 550, in satisfaction of the said decree and costs, and the sum of 10 rupees for the costs of executing this process, to produce him before this court to be dealt according to law.

Given under my hand and the seal of the court, this 2d day of June 1841.

L. S. A. B. *Judge.*

No. 9—Writ of Execution against the Effects.

To the Nazir of the Court of Dewanny Adawlut for the Zillah of Hooghly.

Whereas Cossinauth was directed by a decree of this court, under date the 15th June 1841, to pay to Mohumud Ally the sum of rupees 5000, with interest at 12 per cent. per annum to the day of payment, which to this date amounts to rupees 33-5-8, and 500 rupees for costs of suit, amounting to Co.'s rupees 5,533-5-8, and whereas the said Cossinauth, having had notice of this decree, has omitted to liquidate the same: These are therefore to command you, to levy the said sum of Co.'s rupees 5,533-5-8, and the sum of 100 rupees for the costs of executing this process, by distress and sale of the lands, goods and chattels of the said Cossinauth; and you are hereby ordered and directed to distrain the lands, goods and chattels of the said Cossinauth, and to sell and dispose of the same, within (not less than thirty days) unless the sum of Co.'s rupees 5,633-5-8, for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, shall be sooner paid; and you are hereby commanded to certify to me what you shall do by virtue of this warrant.

Given under my hand and the seal of the court at Hooghly, this 20th day of June 1841.

L. S. A. B. *Judge.*

No. 10.*

NOTICE OF EXECUTION FOR SERVICE ON DEFENDANTS AGAINST WHOM DECREES MAY BE PASSED EXPARTE.

In the Court of Dewanny Adawlut for the Zillah of Nuddea.

Mirzah Gholam Furreed, ... Plaintiff,

versus

Rammohun Chootyar and Bheem Chootyar, son, and heir, of Bindabun Chootyar, of Baugh Bazar, in the Town of Calcutta,..... Defendants.

To Rammohun Chootyar and Bheem Chootyar, of Baugh Bazar, in the Town of Calcutta.

Take notice that an exparte decree was passed against you on the 7th day of August 1839, in favor of Mirza Gholam Furreed, plaintiff, by the moonsiff of Hunrah, in this district, for the sum of Company's rupees forty-five, three annas, and six gundas, including costs and interests to the 7th of May 1841.

You are therefore required, agreeably to Clause 8, Section 15, Regulation XXVI. of 1814, to acknowledge the receipt of this notice, and further to attend in person or by vakeel, on or before the 5th day of August 1841, and shew sufficient cause to the satisfaction of the court why the said decree should not be executed against you.

Given under my hand, and the seal of the court, this 9th day of July 1841.

L. S. A. B., *Judge.*

No. 11.

NOTICE FOR THE APPEARANCE OF HEIRS OF DECEASED PARTIES.

In the Court of Dewanny Adawlut for the Zillah of Nuddea.

A. B..... ..... Plaintiff or ..... Appellant.

versus

B. C..... Defendant or ..... Respondent.

Whereas it appears from the return of the nazir of this court, (or petition, &c. as the case may be) that A. B. plaintiff in the above case has deceased; notice is hereby given, that the heirs of the late A. B. are required and directed to attend in this court within from the day of and prove their right and title to succeed to the estate of the said A. B. deceased. Given under my hand and the seal of the court, this day of 184 .

L. S. E. F., *Judge.*

Nos. 10 and 11 were circulated on the 24th Dec. 1841, but have been inserted here for the sake of convenient reference.

Urdu Translate of the preceding Forms.

A.

کلکتے کے صاحب شریف کے لئے

۱ اِس چٹھي کے ساتھہ مین آپ کے پاس ایک طلبانہ اِس اِرادہ سے بھیجتا ہون کہ جنکے نام اِس مین مندرج ہین اُن پر جاري کیا جاے لہذا آپ مہرباني کر کے قانون تیرھوین سنہ ۱۸۴۰ عیسوي کے روسے جناب عالیہ ملکۂ اِنگلستان کي سوپریم کورٹ کے صاحبان جج کے آگے درپیش کیجئے

یا
ایک اِشتہار اِس اِرادہ سے بھیجتا ہون کہ جنکے نام اُسمین مندرج ہین اُنکے گھر کے صدر دروازہ پر لگایا جاے

۲ جوکچھہ کہ اِس حکم کے جاري کرنے کي بابت صرف ہوگا تمھارے اطلاع دینے پر ایک بل جنرل تریژري یعنے خزانۂ عام پر آپ کے پاس بھیجا جایگا اور جو اسامي کہ اِشتہار مین مندرج ہین اُنکے بتانے کے لئے ایک شخص اُسیکے پیچھے آپ کے حضور حاضر ہوگا (یا اِس چٹھي کے ساتھہ ایک شخص پہنچیگا)

یا
جوگواہ کہ اُسمین مندرج ہین اُنکے طلب کے لئے ایک سفینہ

یا
جوگواہ کہ اُسمین مندرج ہین اُنکي گرفتاري کے لئے ایک وارنٹ یعنے دستک

ضلع ——

جج یا مجسٹریٹ

جنوري —— ۱۸۴

C.

عدالت ديواني کے احکام

نمبر ۱ سمنس

ضلع ہوگلي کي ديواني عدالت

رام دھن ساکن بيدباتي
مدعي

شيخ عبد وساکن قصائي ٹولہ واقع شہر کلکتہ
مدعاعليہ

شيخ عبد وساکن قصائي ٹولہ واقع شہر کلکتہ کے لئے

واضح ہو کہ رام دھن ساکن بيدباتي نے عدالت ہذا ميں (يا بيدباتي کے منصف يا ضلع ہذا کے صدر امين کي عدالت ميں) تين سو روپيہ کي بابت تم پر نالش کي ہے لہذا قانون دوم سنہ ۱۸۰۶ع کے بموجب تمھين حکم ہے کہ اپني اطلاع شد اِس پر لکھہ کر اصالتاً يا وکالتاً ۲۲ اپريل سنہ ۱۸۴۱ع کو يا اُس سے پيشتر دعوي مذکور کي جوابدہي کرو آج کے دن ۵ اپريل سنہ ۱۸۴۱ع کو ميرے دستخط اور عدالت کي مہر سے دياگيا

مقام مہر

اے بي
جج

نمبر ۲ مد عا علیہ کے اِحضار کے باب میں اِشتہار

ضلع ہوگلي کي ديواني عدالت

شیخ عبد و ساکن قصائي ٹولہ واقع شہر کلکتہ کے لئے

از بسکہ رام دھن ساکن بيد باڑي نے عدالت ہذا میں (یا منصف بيد باڑي یا ضلع ہذا کے صدر امین کي عدالت میں) تین سو روپیہ کي بابت تم پر نالش کي ہے اور کہ ایک اِطلا عنامہ تمہارے حاضر ہونیکے لئے ۲۲ اپریل سنہ ۱۸۴۱ع کو یا اُس سے پیشتر جوابدہي کے واسطے جاري ہوا تھا اور کہ ناظر (یا دیوني شریف کلکتہ) کي رپوٹ کے رو سے واضح ہوتا ہے کہ باوجود تلاش اور تجسس کے تم نپائے گئے اور کہ اِطلا عنامہ مذکور حکم کے موافق تم پر جاري نہین ہوا لہذا قانون دوسرے سنہ ۱۸۰۶ع کے بموجب یہہ اِشتہار دیا جاتا ہے کہ اگر تم اصالتاً یا وکالتاً ۱۵ ماہ مئي سنہ ۱۸۴۱ع کو یا اُس سے پیشتر حاضر نہوو گے تو عدالت مقدمہ مذکورہ کو یک طرفہ تجویز کریگي گویا تم خود دعوي مذکور کي جوابدہي کے لئے حاضر تھے آج کے دن ۲۵ اپریل سنہ ۱۸۴۱ع کو میرے دستخط اور عدالت کي مہر سے دیا گیا

مقام مہر

اے بی
جج

نمبر ۳ سفینه

ضلع ہوگلي کي ديواني عدالت

رام دھن ساکن بيد باتي — مدعي

شيخ عبد وساکن قصائي تولہ واقع شہر کلکته — مدعا عليه

بابو رام داس ساکن قصائي تولہ واقع شہر کلکته کے لئے

ازبسکه مدعي (يا مدعا عليه) کي طرف سے گواہي دينے کے لئے تمہارا حاضر ہونا ضرور ہی لہذا تمہين حکم ہی که تم اصالتاً عدالت ہذا مين (يا منصف بيد باتي کے حضور) ۲۰ جون سنه ۱۸۴۱ع کو يا اُس سے پيشتر گواہي دينے کے لئے حاضر ہو

آج کے دن ۲۷ مئي سنه ۱۸۴۱ع کو ميرے دستخط اور عدالت کي مہر سے ديا گيا

مقام مہر

اے بي
جج

نمبر ۴ گواه کي گرفتاري کا وارنٹ يعنے دستک

ضلع ہوگلي کي ديواني عدالت کے ناظر محمد علي کے لئے

ازبسکه بابو رام داس ساکن قصائي تولہ واقع شہر کلکته پر ۲۹ مئي سنه ۱۸۴۱ع کو رام دھن ساکن بيد باتي کي طرف سے گواہي دينے کے لئے

سفینہ حسب دستور جاري ہوا تھا اور کہ شیخ منگلو پیادہ کے اظہار کے رو سے جسنے کہ اطلا صنامہ کے جاري ہونیکا موافق دستور کے اقرار کیا ہی، واضح ہی کہ بابو رام داس مذکورکو اسیکے اخراجات کے لئے دس روپیہ دینیکا اقرار تھا اور کہ بابو رام داس مذکور نے سفینہ مذکور کے حکم کے بموجب حاضر ہونے مین تغافل اور انکار کیا لہذا تمھین حکم ہی کہ بابو رام داس مذکور کو گرفتار کر کے ضلع مذکور کے صاحب جج (یا منصف بید باتی واقع ضلع مذکور) کے حضور حاضر کرو اسمین تاکید جانو

مورخۂ آج کے دن ۱۰ جون سنہ ۱۸۴۱ع کا

مقام مہر

اے بي
جج

نمبر ۵ مدعا علیہ سے حاضر ضامن لینے کے باب مین پروانہ

ضلع ہوگلی کی دیوانی عدالت کے ناظر محمد علی کے لئے

ازبسکہ منشی خیر اللہ نے عدالت ہذا مین جانسمتھہ پر ایک ہزار دو سو روپیہ کا دعوي کیا ہی اور کہ منشی مذکور نے کافي گواہون سے عدالت مذکورہ کے صاحب جج کي خاطر جمعی کی ہی کہ جانسمتھہ مذکور روپوشی اور عدالت ہذا کے علاقہ سے چلے جانیکا ارادہ رکھتا ہی لہذا تمھین حکم ہی کہ جانسمتھہ مذکور سے عدالت ہذا مین اصالتاً حاضر ہونیکے لئے پندرہ سو روپیہ کی ضمانت معتبر لے لو اور

اگر جانسمتھہ مذکور ضمانت معتبر نہ دے سکے تو تمھین اختیار اور اجازت ہی کہ اُسکو گرفتار کرکر عدالت ہذا مین حاضر کرو
آج کے دن ۱۰ مئی سنہ ۱۸۴۱ع کو میرے دستخط اور عدالت کی مہر سے دیا گیا

مقام مہر

اے بی
جج

نمبر ۶ مدعا علیہ کی طرف سے مالضامنی

ازبسکہ ضلع ہوگلی کی دیوانی عدالت مین منشی خیرالله نے جانسمتھہ کے نام نالش کی ہی اور کہ مین مسمی رام موہن ملک ساکن سیالدا واقع ضلع چوبیس پرگنہ کا رضا و رغبت سے اُسکی بابت ضامن ہوا ہون کہ مدعا علیہ مذکور جب تک کہ حکم قطعی کی تعمیل نہو حاضر ہوکر جوابدہی اُسکی کریگا اور جمیع احکام جو اِس مقدمہ مین نافذ ہونگے بجالائیگا لہذا مین اپنے وارثون اور وصیون کی طرف سے اِقرار کرتا ہون کہ مدعا علیہ مذکور خواہ اصالتاً یا وکالتاً ۲۰ مئی سنہ ۱۸۴۱ع کو یا اُس سے پیشتر مقدمہ مذکور کی جوابدہی کے لئے حاضر ہوگا اور علاوہ اِسکے جب تک کہ مقدمہ مذکور عدالت ضلع کے حضور زیر تجویز رہے یا جب تک کہ جو ڈکری عدالت موصوفہ مقدمہ مذکور مین نافذ کرے اُسکی بالکل تعمیل نہو وے تب تک مدعا علیہ مذکور ضلع کی عدالت مزبورہ مین جب کبھی کہ صاحب

جج موصوف طلب کرینگے اصالتاً حاضر ہوگا اور اگر بروقت طلب کے میں اُسے حاضر نکر سکونگا تو جتنے روپیہ کی مدعا علیہ مذکور پر ڈکري ہوگي اُتنے روپئے میں ادا کرونگا اور جو احکام کہ اُسکی نسبت جاري ہونگے میں بجالاؤنگا بشرطیکہ زر ڈکري ایکہزار پانچسو روپیہ سے زیادہ نہوگا

العبـــــــــد	گواہ شـــد	گواہ شـــد
رام موہن ملک	بی بی	اے ایم

نمبر ۷ ترقی کا پروانہ

ضلع ہوگلی کی دیوانی عدالت کے ناظر محمد ملی کے لئے

ازبسکہ شیخ سیفو نے نسبت رام سہاے سنگہ کی اِس عدالت میں بدعوي دس ہزار روپیہ کے نالش کی ہے اور شیخ کہ سیفو مذکور نے کافی دلیلون سے عدالت کی خاطرجمعی کی ہے کہ مدعا علیہ مقدمہ ہارنیکے خوف سے پیشتر ڈکري کے مال واسباب فروخت کیا چاہتا ہے لہذا تمھین حکم ہے کہ رام سہاے سنگہ مذکور سے ایک ضمانت معتبر بارہ ہزار روپیہ کی لے لو کہ عدالت مذکورہ کے حکم قطعی پر زردعوي کے واسطے وفا کرے اور اگر رام سہاے سنگہ مذکور چوبیس گھنٹہ کے عرصہ میں ضمانت معتبر نہ دے سکے

تو تمھین اجازت اور حکم ہی کہ جو زمین اور اسباب وغیرہ رام سہاے مذکور کی ملک سے ہو بارہ ہزار روپیہ کی مالیت تک ضبط اور قرق کرلو اور جب تک کہ حکم قطعی صادر نہو ضبطی اور قرقی مین رکھو

آج کے دن ۱۵ جون سنہ ۱۸۴۱ع کو میرے دستخط اور عدالت کی مہر سے دیا گیا

مقام مہر

اے بی
جج

نمبر ۸ مدعا علیہ کی نسبت گرفتاری کا پروانہ

ضابط ہوکلی کی صدر دیوانی عدالت کے ناظر کے لئے

ازبسکہ عدالت ہذا کی ڈکری مورخۂ ۱۵ مئی سنہ ۱۸۴۱ع کے رو سے منسا رام کو حکم تھا کہ پانچسو پچاس روپیہ یعنے پانچسو اصل اور پچاس خرچہ کی بابت شیخ عبدو کو ادا کرے اور کہ منسا رام مذکور نے باوجود اِس ڈکری سے واقف ہونیکے زر مذکور نہین ادا کیا ہی لہذا تمھین حکم ہی کہ منسا رام مذکور کو گرفتار کرو اور اگر پانچسو پچاس روپیہ ڈکری اور خرچہ کی بابت اور دس روپیہ اِس حکمنامہ کے جاری ہونیکے صرف کی بابت تمکو نہ ادا کرے

تو عدالت ہذا میں حاضر کرو کہ قانون کے بموجب نتیجہ پاے
آج کے دن ۲ جون سنہ ۱۸۴۱ع کو میرے دستخط اور عدالت کی مہر
سے دیا گیا

مقام مہر اے بي
جج

نمبر ۹ قرقي کا پروانہ

ضلع ہوگلي کی دیوانی عدالت کے ناظر کے لئے

ازبسکہ عدالت ہذا کی ڈکري مورخۂ ۱۵ جون سنہ ۱۸۴۱ع کے رو
سے کاشي ناتھہ کو حکم تھا کہ پانچ ہزار پانچسو تینتیس روپیہ پانچ آنہ
آٹھہ پائي یعنے پانچ ہزار اصل اور تینتیس روپیہ پانچ آنہ آٹھہ پائي
فیصدي بارہ روپیہ سالیانہ سود کی بابت اور پانچ سو خرچہ کي
بابت محمد علي کو ادا کرے اور کہ کاشی ناتھہ مذکور نے ڈکري
ہذا سے مطلع ہوکر زر مذکور نہ ادا کیا لہذا تمھیں حکم ہے کہ پانچ
ہزار پانچسو تینتیس روپیہ پانچ آنہ آٹھہ پائی مذکور اور ایک سو
روپیہ اِس حکمنامہ کي تعمیل کے صرف کی بابت کاشی ناتھہ مذکور
کي زمین اور اسباب وغیرہ کي قرقي اور فروخت کے ذریعہ سے
وصول کرو اور یہہ بھی حکم ہے کہ کاشي ناتھہ مذکور کي زمین

اسباب وغیرہ دوفرمی میں رہوا اور اگر تیس روز کے عرصہ میں پانچ ہزار چھسو تینتیس روپیہ پانچ آنہ آٹھ پائی معہ زر مناسب کے جو کہ اسباب و مال مقروقہ کی حفاظت میں صرف ہوا ہو نہ ادا کرے تو اُس مال و اسباب کو فروخت کرنے الوا اور یہہ بھی حکم ہے تم رپوٹ کرو کہ اِس پروانہ کی تعمیل کے لئے تم کیا کرو گے
آج کے دن ۲ جون سنہ ۱۸۴۱ع کو میرے دستخط اور عدالت ہوگلی کی مہر سے دیا گیا

مقام مہر

اے بی
جج

نمبر ۱۰

اجرائے ڈکری کا اِطلاعنامہ دیوانی عدالت میں ضلع ندیہ کے بابت

مرزا غلام فرید
مدعي

رام موہن چھتا راور بھیم چھتا ربیتا اور وارث بندابن چھتا رکا ساکن بانک بازار واقعہ شہر کلکتہ کے
مدعا علیہ

رام موہن چھتا راور بھیم چھتا رساکن بانکبازار واقعہ شہر کلکتہ کے لئے

واضح ہو کہ ساتویں تاریخ ماہ اگست سنہ ۱۸۳۹ع کو مقام ہذا واقعہ ضلع ہذا کے منصف کے حضور سے مرزا غلام فرید مدعي کے حق

مین پینتالیس روپیه تین آنے اور چھه گنڈے کے معه خرچه اور سود
کے ۷ مے سنه ۱۸۴۱ تک تم پر یکطرفي ڈکري هوئي
لهذا قانون ۲۶ سنه ۱۸۱۴ع کے ضمن ۱۵ کے دفعه ۸ کے بموجب تمکو
حکم هی که اِشتهار هذا پر اپنے اطلاع شد لکهه کر ماه اگست کے
پانچوین تاریخ سنه ۱۸۴۱ع کو یا اُسے پیشتر اصالتاً یا وکالتاً حاضر هو
اور کافي دلیلون سے صاحبان عدالت کي خاطر جمعی کرو که ڈکري
مذکور یکطرفي جاري هونی نامناسب هی

آج کے دن ۹ تاریخ جولائی سنه ۱۸۴۱ع کو میرے دستخط اور کچهري
هذا کے مهر سے جاري هوا

اے بی
صاحب جج

نقشه ۱۱

ضلع کے دیوانی عدالت مین

زید عمرو
مدعی یا اپیلانت مدعا علیه یا رسپانڈنٹ

ازبسکه عدالت هذا کے ناظر کے رپوٹ یا عرضي کے رو سے دریافت
هوتا هی که زید یعنے مدعی مقدمه مرقومه نے وفات پائی هی

لہذا حکم ہی کہ متوفی مذکور کے ورثا مہینے کے
تاریخ سے کہ عرصہ میں عدالت میں حاضر
ہوکر اِملاک متوفی مذکور کے وراثت کے بابت اپنے حقوق
ثابت کریں
آج کے دن تاریخ مہینے سنہ ۱۸۴۱ع کو
میرے دستخط اور کچہری کے مہر سے جاری ہوا
مقام مہر اے الف
جج

Bengalee Translate of the Forms.

A.

শ্রীযুত কলিকাতার সরিফ সাহেব বরাবরেষু।

১। আমি তোমার নিকট এক তলবচিঠী পাঠাইতেছি এবং তাহার মধ্যে লিখিত ব্যক্তিরদের উপর তাহা জারি করিতে হইবেক অতএব আপনি অনুগ্রহ করিয়া ১৮৪০ সালের ২৩ আইনানুসারে শ্রীশ্রীমতি মহারাণীর সুপ্রিম কোর্ট আদালতের জজ সাহেবদিগকে তাহা দিবেন।

২। এই হুকুম জারিকরণে যে খরচা লাগে তাহা আপনি আমাকে জানাইলে জেনরল ত্রেজুরির উপর এক বিলের দ্বারা আপনার নিকটে তাহা পাঠাইব আসামীকে দেখাইয়া দিবার নিমিত্ত এক জন ইহার পর আপনার নিকটে যাইবেক (অথবা এক জন এই পত্রের সঙ্গে যাইতেছে)।

অমুক জজ
অথবা মাজিষ্ট্রেট

জিলা
জানুয়ারি ১৮৪

অথবা যে বাটীতে নির্দ্দিষ্ট ব্যক্তিরা বাস করে তাহার সদর দরওয়াজায় দিবার নিমিত্ত এক ইশ্তিহারনামা।

অথবা তাহার মধ্যে নির্দ্দিষ্ট সাক্ষিরদের উপর জারিহওনার্থ এক সকিনা।

অথবা তাহার মধ্যে নির্দ্দিষ্ট সাক্ষিরদিগকে ধরিবার ও গ্রেফ্তার করিবার এক ওয়ারণ্ট অর্থাৎ দস্তক।

C.

দেওয়ানী হুকুম ১ নম্বর সমন।

জিলা হুগলীর দেওয়ানী আদালত।

বৈদ্যবাটীর রামধন ফরিয়াদি। — কলিকাতা শহরের কশাই টোলার সেখ ইদু আশামী।

কলিকাতা সহরের কশাই টোলার সেখ ইদু প্রতি আগে।

বৈদ্যবাটীর রামধন এই আদালতে অথবা বৈদ্যবাটীর মুনসেফের আদালতে অথবা এই জিলার সদর আমীনের আদালতে তোমার নামে ৩০০৲ টাকার দাবিতে নালীশ করিয়াছে। অতএব তোমার প্রতি হুকুম হইল যে ১৮০৬ সালের ২ আইনানুসারে এই সমনের রসিদ দিবা এবং আরো ঐ নালীশের জওয়াব দিবার লিখিত স্বয়ং অথবা উকিলের দ্বারা ১৮৪১ সালের ২২ আপ্রিল তারিখে বা তাহার পুর্ব্বে হাজীর হইবা।

আমার দস্তখত এবং আদালতের মোহর ১৮৪১ সালের ৫ আপ্রিল তারিখে করাগেল।

মোহরের স্থান — অমুক জজ।

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২ নম্বর। আশামীকে হাজীর করাইবার ইশ্‌তিহার।

হুগলী জিলার দেওয়ানী আদালত।

কলিকাতা সহরের কশাই টোলার শেখ ইদু প্রতি আগে।

বৈদ্যবাটী নিবাসি রামধন এই আদালতে অথবা বৈদ্যবাটীর মুনসেফের আদালতে অথবা এই জিলার সদর আমীনের আদালতে তোমার নামে ৩০০৲ টাকার দাবিতে নালিশ করিয়াছে এবং ১৮৪১ সালের আপ্রিল মাসের ২২ তারিখে বা তাহার পুর্ব্বে তোমার হাজীর

হইবার এবং নালীশের জওয়াব দিবার এক তলব চিঠী রিতিমতে পাঠান গিয়াছিল এবং নাজিরের রেপোর্টের দ্বারা অথবা কলিকাতার ডেপুটী শরিফ সাহেবের রেপোর্টের দ্বারা বোধ হইল যে অনেক অনুসন্ধান করিলেও তোমাকে পাওয়াগেলনা এবং উক্ত তলব চিঠীর হুকুমমতে তাহা তোমার প্রতি জারি হইল না। অতএব ১৮০৬ সালের ২ আইনের অনুসারে ইশ্‌তিহার দেওয়া যাইতেছে যে ১৮৪১ সালের ১৫ মে তারিখে বা তাহার পূর্ব্বে তুমি জদি স্বয়ং অথবা উকিলের দ্বারা হাজির না হও তবে আদালত ঐ মোকদ্দমার এক তরফা বিচার করিবেন এবং তুমি হাজীর হইয়া নালীশের জওয়াব দিলে জেরূপ ডিক্রী করিতেন সেই রূপ ডিক্রী করিবেন।

আমার দস্তখত ও আদালতের মোহর ১৮৪১ সালের ২৫ আপ্রিল তারিখে করাগেল।

মোহরের স্থান

অমুক
জজ।

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৩ নম্বর। সফিনা।

জিলা হুগলীর দেওয়ানী আদালত।

বৈদ্যবাটী নিবাসি রামধন ফরিয়াদি।

কলিকাতা শহরের কশাই টোলার সেখ ইদু আসামী।

কলিকাতার কশাই টোলা নিবাসি বাবুরাম দাষ প্রতি আগে।

উক্ত মোকদ্দমার ফরিয়াদির অথবা আসামীর তরফে সাক্ষ্যদিবার নিমিত্তে তোমার হাজির হইবার আবশ্যক আছে সেই নিমিত্ত ১৮৪১ সালে ২ জুন তারিখে এই আদালতে অথবা বৈদ্যবাটীর মুনশেফের আদালতে স্বয়ং হাজীর হইতে তোমার প্রতি হুকুম হইল।

আমার দস্তখত ও আদালতের মোহর ১৮৪১ সালের ২৭ মে তারিখে করাগেল।

মোহরের স্থান

অমুক
জজ।

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৪ নম্বর। সাক্ষিকে গ্রেপ্তার করিবার নিমিত্ত ওয়ারণ্ট অর্থাৎ দস্তক।

জিলা হুগলির দেওয়ানী আদালতের নাজীর শ্রীমহম্মদ আলী বরাবরেষু।

বৈদ্যবাটী নিবাসি রামধন ফরিয়াদির তরফে সাক্ষ্যদিবার নিমিত্ত ১৮৪১ সালের ২৯ মে

তারিখে কলিকাতা শহরের কলুটোলা নিবাসি বাবুরাম দাষের নামে রিতিমত সফিনা হই য়াছিল এবং সেখ মঙ্গলু পেয়াদার কথায় বোধ হইতেছে যে উক্ত বাবুরাম দাষকে খরচার নিমিত্ত ১০৲ টাকা দিবার প্রস্তাব হইয়াছিল এবং ঐ সেখ মঙ্গলু পেয়াদা রিতিমতে ঐ সফিনা জারী করিলেক এমত কহিয়াছে। কিন্তু ঐ সফিনার হুকুমানুসারে ঐ বাবুরাম দাষ হাজীর হইতে ত্রুটি এবং অস্বীকার করিয়াছে অতএব ঐ বাবুরাম দাষকে গ্রেপ্তার করিতে এবং ঐ জিলার জজ সাহেবের সম্মুখে অথবা ঐ জিলার বৈদ্যবাটীর মুনশেফের সম্মুখে হাজীর করিতে ইহাতে তোমার প্রতি হুকুম হইল ইহাতে কিছু কসুর করিবা না ইতি। সন ১৮৪১ সাল তারিখ ১০ জুন।

মোহরের স্থান — অমুক জজ।

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৫ নম্বর। আসামীর হাজিরজামিন দেওনবিষয়ে পরওয়ানা।

জিলা হুগলীর দেওয়ানী আদালতের নাজির শ্রীমহম্মদ আলী বরাবরেষু।

মুনশী খএরুল্লা বারশত টাকার দাবিতে এই আদালতে জান স্মিথের নামে নালিষ করি য়াছে এবং উক্ত মুনশী খএরুল্লার প্রমাণের দ্বারা এই আদালতের জজ সাহেবের চিত্তে নিশ্চয় বোধ হইয়াছে যে ঐ জান স্মিথ পলাইতে এবং এই আদালতের এলাকার বাহিরে জাইতে মানস করিয়াছে অতএব ঐ জান স্মিথের এই আদালতের সম্মুখে স্বয়ং হাজীর হই বার নিমিত্ত তাহার স্থানে ১৫০০৲ টাকার উত্তম ও মাতবর জামীন লইতে ইহার দ্বারা তো মাকে ক্ষমতা ও হুকুম দেওয়াগেল এবং জদি ঐ জান স্মিথ পুর্ব্বোক্ত মতে উপযুক্ত ও মাতবর জামিন না দেয় তবে ঐ জান স্মিথকে গ্রেপ্তার করিতে এবং এই আদালতের সম্মুখে তাহাকে হাজীর করিতে তোমাকে ক্ষমতা দেওয়াগেল ও তোমার প্রতি হুকুম হইল।

আমার দস্তখত ও এই আদালতের মোহর ১৮৪১ সালের ১০ মে তারিখে করাগেল।

মোহরের স্থান — অমুক জজ।

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৬ নম্বর। আসামী যে মালজামীনী লিখিয়া দিবেক তাহা।

মুনশী খএরুল্লা ফরিয়াদি আসামী জান স্মিথের নামে জিলা হুগলীর দেওয়ানী আদালতে নালীশ করিয়াছে এবং আমি চব্বিষপরগণার সিয়ালদহ নিবাসি রামমোহন মল্লিক উক্ত

আসামীর উক্ত নালিশের জওয়াব দিবার এবং তাহাতে যেসকল হুকুম হয় তাহার মতা চরন করণের নিমিত্ত চূড়ান্ত ডিক্রী জারিহওনপর্য্যন্ত হাজীর হইবার বিষয়ে সেচ্ছা পুর্ব্বক জামীন হইতেছি অতএব আমি অঙ্গিকার করিতেছি এবং আপনাকেও আপন উত্তরাধি কারিদিগকে ও ওয়ারিসানকে এই বিষয়ে বদ্ধ করিতেছি যে উক্ত আসামী উক্ত নালিশে উত্তর দেওনার্থ ১৮৪১ সালের ২০ মে তারিখে কিম্বা তাহার পুর্ব্বে স্বয়ং অথবা উকিলের দ্বারা হাজীর হইবেক এবং আরো ঐ মোকদ্দমা জতোকাল জিলা আদালতে থাকে ততকাল অথবা উক্ত আদালতে তাহাতে যে চূড়ান্ত ডিক্রী করেণ তাহা সম্পূর্ণরূপে জারী না হওনপর্য্যন্ত উক্ত আশামীকে জজ সাহেব জখন তলব করেণ তখন সে স্বয়ং ঐ জিলার আদালতে হাজীর হইবেক ইহাতে জদি কিছু কসুর হয় এবং উক্ত আশামীর তলব হইলে আমি জদি তাহাকে হাজীর না করি তবে জত টাকা তাহাকে দিতে হুকুম হয় তাহা ১৫০০৲ টাকার অধিক না হইলে আমি তাহার দায়ী হইব এবং তাহার বিরুদ্ধে যে কোন হুকুম বা ডিক্রী হয় তাহার মতাচরণ করণের বিষয়ে আমি দায়ী হইব ইতি। ১৮৪১ সাল তারিখ ২৫ জুন।

অমুকের এবং রামমোহন মল্লিক।
অমুকের সাক্ষাৎ মোহর
হইয়া দেওয়াগেল।

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৭ নম্বর। ক্রোকি পরওয়ানা।

জিলা হুগলির দেওয়ানী আদালতের নাজির শ্রীমহম্মদ আলী বরাবরেষু।

সেখ সৈফু এই আদালতের রামসহায় সিংহের নামে দশ হাজার টাকার দাবিতে নালিশ করিয়াছে এবং ঐ সেখ সৈফু এই আদালতে প্রমান দিয়াছে যে উপযুক্ত কারণে তাহার এমত ভয় জন্মে যে ঐ রামসহায় সিংহের বিরুদ্ধে শেষে যে ডিক্রী হয় তাহা জারি না হইবার নিমিত্তে সে ব্যক্তি মোকদ্দমা উপস্থিত থাকিতে আপনার সম্পত্তি হস্তান্তর করণের মানস করিয়াছে। অতএব ঐ রামসহায় সিংহের স্থানে আদালতের শেষের ডিক্রী মানী

বার অর্থে বার হাজার টাকার উপযুক্ত ও মাতবর জামীন তলব করিতে তোমাকে ক্ষমতা ও হুকুম দেওয়াগেল। এবং যদি ঐ রামসহায় সিংহ চল্লিশ ঘণ্টার মধ্যে উপযুক্ত ও মাতবর জামিন নাদেয় তবে ঐ রামসহায় সিংহের যে ভুমি বা জিনিষপত্র বা অন্য বিষয় থাকে বা তাহার দখলে থাকে তাহা বার হাজার টাকা পর্য্যন্ত ক্রোক ও আটক করিতে তোমাকে ক্ষমতা ও হুকুম দেওয়া গেল এবং এই আদালতের চূড়ান্ত ডিক্রী না হওয়াপর্য্যন্ত ঐ সকল বিষয় ক্রোক ও আটক করিয়া রাখিবা।

আমার দস্তখৎ ও এই আদালতের মোহর ১৮৪১ সালের ১৫ জুন তারিখে করাগেল।

মোহরের স্থান

অমুক
জজ।

৮ নম্বর। ডিক্রী জারীর আসামী গ্রেপ্তারির পরওয়ানা।

জিলা হুগলির দেওয়ানী আদালতের নাজির বরাবরেষু।

১৮৪১ সালের ১৫ মে তারিখের এই আদালতের ডিক্রীর দ্বারা সেখ ইদুকে ৫০০৲ টাকা এবং মোকদ্দমার খরচা ৫০৲ টাকা একুনে ৫৫০৲ টাকা দিতে মনসারামের প্রতি হুকুম হইয়াছিল এবং উক্ত মনসারাম ঐ ডিক্রীর সম্বাদ পাইয়া ঐ টাকা পরিশোধ করে নাই অতএব ঐ মনসারামকে গ্রেপ্তার করিতে তোমার প্রতি হুকুম হইল এবং জদি ঐ মনসারাম উক্ত ডিক্রী ও খরচার বাবতে ৫৫০৲ টাকা এবং এই হুকুম জারীকরণের খরচার ১০৲ টাকা তোমাকে না দেয় তবে তাহার প্রতি আইনমত আচরণ করণের নিমিত্ত তাহাকে এই আদালতে আনিবা।

আমার দস্তখত ও আদালতের মোহর ১৮৪১ সালের ২ জুন তারিখে করাগেল।

মোহরের স্থান

অমুক
জজ।

৯ নম্বর। ক্রোকি পরওয়ানা।

জিলা হুগলির দেওয়ানী আদালতের নাজির বরাবরেষু।

১৮৪১ সালের ১৫ জুন তারিখে এই আদালতের ডিক্রীক্রমে মহম্মদ আলীকে ৫০০০৲ টাকা এবং দেওনের তারিখ পর্য্যন্ত শতকরা ১২৲ টাকার হিসাবে সুদ অর্থাৎ অদ্যকার তারিখ পর্য্যন্ত ৩৩।৵৮ টাকা সুদ এবং মোকদ্দমার খরচা ৫০০৲ টাকা একুনে ৫৫৩৩।৵৮ দিতে কাশিনাথের প্রতি হুকুম হইয়াছিল এবং ঐ কাশিনাথ ডিক্রীর সম্বাদ পাইয়া ঐ টাকা পরিশোধ করেনাই অতএব ঐ ৫৫৩৩।৵৮ এবং এই হুকুম জারী করণের খরচা ১০০৲ টাকা ঐ কাশিনাথের ভুমি ও জিনিস ও বিষয় ক্রোক ও বিক্রয় করিয়া উসুল করিতে তোমার প্রতি হুকুম হইল এবং ঐ কাশিনাথের ভুমি ও জিনিস ও বিষয় ক্রোক করিতে ইহার দ্বারা তোমাকে আজ্ঞা ও হুকুম দেওয়াগেল এবং যে ৫৬৩৩।৵৮ বিষয়ে এই জিনিস ক্রোক হইল ঐ টাকা এবং ঐ দ্রব্য ক্রোক করণের ও রাখণের ওয়াজিবি খরচ জদি এত দিনের মধ্যে না দেওয়া জায় তাহা ৩০ দিনের কম হইবেক না তবে সেই বিষয় তুমি বিক্রয় করিবা এবং এই পরওয়ানার ক্ষমতাক্রমে তুমি জাহা২ করিবা তাহা হুজুরে এতলা দিবা।

আমার দস্তখত ও আদালতের মোহর ১৮৪১ সালের ২০ জুন তারিখে হুগলিতে করাগেল।

মোহরের স্থান

অমুক জজ।

নং ১০

ডিক্রীজারীকরণের এত্তেলা।

জিলা নদিয়ার দেওয়ানী আদালত।

ফরিয়াদি মিরজা গোলামফরিদ।

আসামী রামমোহন ছুতার এবং সহর কলিকাতার বাগবাজার নিবাসি বৃন্দাবন ছুতারের পুত্র ও উত্তরাধিকারি ভিম ছুতার।

সহর কলিকাতার বাগবাজার নিবাসি রামমোহন ছুতার ও ভিম ছুতার প্রতি আগে।

তোমারদিগকে খবর দেওয়া যাইতেছে যে এই জিলার মধ্যে পুনর্ব্বার মুনসেফ ফরিয়াদি মিরজা গোলামফরিদের পক্ষে ১৮৩৯ সালের ৭ আগষ্ট তারিখে তোমারদের নামে খরচা ও ১৮৪১ সালের ৭ মে পর্য্যন্ত সুদ সমেত কোম্পানীর ৪৫৶৬ একতরফা ডিক্রী করিয়াছেন।

অতএব তোমারদিগকে হুকুম দেওয়া যাইতেছে যে ১৮৪১ সালের ২৬ আইনের ১৫ পারার ৮ প্রকরণক্রমে তোমার এই এত্তেলা পাইবার রসিদ দিবা এবং ১৮৪১ সালের ৫ আগষ্ট তারিখে বা তাহার পূর্ব্বে তোমরা স্বয়ং কিম্বা উকিলের দ্বারা হাজির হইয়া ঐ ডিক্রী তোমার উপর জারি না হইবার এমত উপযুক্ত কারণ দেখাইবা যে তাহাতে আদালতের খাতিরজমা হয়।

আমার দস্তখত এবং এই আদালতের মোহরে এই এত্তেলা অদ্য ১৮৪১ সালের ৯ জুলাই তারিখে দেওয়াগেল।

অমুক
জজ।

নং ১১

এত্তেলা উত্তরাধিকারিদিগের হাজিরহওনের নিমিত্তে অমুক জিলার দেওয়ানী আদালত।

ফরিয়াদি অথবা আপিলাণ্ট অমুক।

আসামী অথবা আপীলাণ্ট অমুক।

যেহেতুক এই আদালতের নাজিরের রিটর্নের দ্বারা অথবা দরখাস্ত প্রভৃতি দ্বারা দৃষ্ট হইল যে উক্ত মোকদ্দমার অমুক ফরিয়াদি মরিয়াছে অতএব সম্বাদ দেওয়া যাইতেছে যে মৃত অমুক ব্যক্তির উত্তরাধিকারিরদের প্রতি এই আজ্ঞা ও হুকুম হইল যে তাহারা অমুক মাসের অমুক তারিখের পর এতদিনের মধ্যে এই আদালতে হাজির হইবা উক্ত মৃত অমুক ব্যক্তির সম্পত্তি প্রাপনের বিষয়ে তাহারদের সত্ত্ব ও অধিকার আছে তাহার প্রমাণ দেয়।

আমার দস্তখত ও আদালতের মোহরে অমুক সালের অমুক মাসের অমুক তারিখে দেওয়াগেল।

মোহরের স্থান

অমুক
জজ।

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 12th March, 1841.

No. 141.

Rules for the admission and disposal of regular appeals.

I AM directed to transmit, for your information and guidance, a copy of a letter this day addressed, by order of the Court, to the officiating additional judge of Chittagong, and to request that you will communicate the purport of it to the principal sudder ameen of your district.

From the Register of the Presidency Court of Sudder Dewanny Adawlut to the Officiating Additional Judge of Chittagong, No. 963, dated 12th March, 1841.

The Court having had before them your letter No. 14, of the 11th ultimo, direct me to communicate to you the following observations.

2. For the admission of a regular appeal, they observe that nothing further is requisite than for you to ascertain, that the prescribed period of appeal has not expired, and that the petition of appeal is written on paper of the prescribed stamp, (vide Circular Order No. 60, 24th August 1832.) But after the appeal has been filed, and is brought on for hearing, either after process having been served on the respondent, or under the rules of Clause 3, Section 16, Regulation V. 1831, should it appear to you that the party appealing has had due notice served upon him by the court of original jurisdiction, and that the judge presiding in that court has decided the suit agreeably to the rules of practice and to the regulations of Government; and further that the reasons of default assigned by the appellant, are frivolous or groundless, or that he has wilfully neglected to attend in the lower court; in such case, the Court are clearly of opinion that the appeal should be dismissed. You will hence perceive that the mere fact of a case having been tried exparte, is not a sufficient ground for either sending it back for re-trial, or for proceeding to investigate the pleas of the appellant to the original suit, provided it has been legally decided by the court of first instance.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 19th March, 1841.

No. 142.

Directing the submission of a monthly return of judgments passed by the native judges, in which injunctions to revise the cases have been issued by the judge agreeably to Act VII. 1838.

I AM directed by the Court to request that you will submit regularly every month to this office, a return drawn out agreeably to the enclosed form marked No. 4, commencing from the 1st proximo.

2. The return will show the number of suits sent back every month by the zillah or city judges to the principal sudder ameens, sudder ameens and moonsiffs for re-trial. The different headings have been made to correspond with the provisions of Clause 2,

Section 2, Regulation IX. 1831, extended to zillah and city judges by Act VII. of 1838; thus enabling the Court to ascertain the specific grounds on which the judgments appealed against have been considered to be erroneous and defective.

3. It appears to the Court, that this return will enable the zillah and city judges as well as the superior authorities to form a very correct opinion of the character, intelligence, and legal qualifications of the several uncovenanted judges placed under their control; and as the returns will be carefully examined by the Court, and will be invariably referred to in the preparation of the Annual Civil Report, they rely confidently on your exertions to have the same prepared with the greatest possible care.

4. I am directed to inform you, that a similar return will be prepared in this office of the judgments sent back by order of the Court to the zillah and city judges and principal sudder ameens for revision.

5. You will be pleased to submit a quarterly return for the months of January, February, and March of the current year, as soon after the 31st instant, as may be practicable.

No. 4.

RETURN of the Judgments passed by the Principal Sudder Ameens, Sudder Ameens and Moonsiffs of the District of *in the month of* 184 *in which injunctions have been issued by the Judge to the Lower Courts to revise the Cases, agreeably to the provisions of Act VII.* 1838.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Names of the Principal Sudder Ameen, Sudder Ameen or Moonsiff.	Judgment manifestly unjust.	Judgment at variance with the Regulations.	Judgment in opposition to the Hindoo law.	Judgment in opposition to the Mahomedan law.	Judgment in opposition to any of the laws applicable to the case.	Judgment passed without sufficient investigation.	Judgment grounded on assumptions irrelevant or erroneous.	Total sent back for re-trial.	Remarks.

TO THE CIVIL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 19th March, 1841.

No. 143.
Enumeration of rescinded Circulars.

THE Court are pleased to direct that the Circular Orders enumerated below, which are embodied in the Circular No. 28, dated 7th (for the North Western Provinces 21st) December 1838, be rescinded, and that the Circular Order Books be altered accordingly.

CIRCULARS RESCINDED.

No. 21,	6th August	1830.
No. 45,	27th April	1832.
No. 65,	19th October	1832.
No. 72,	7th December	1832.
No. 124,	5th December	1834.
No. 152,	31st July	1835.
No. 162,	4th December	1835.
No. 163,	11th December	1835.
No. 167,	12th February	1836.
No. 168,	12th February	1836.
No. 181,	12th August	1836.
No. 187,	14th October	1836.
No. 207,	7th July	1837.

TO THE SEVERAL CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 24th March, 1841.

No. 144.
Observes on the importance of reducing as much as possible the number of old standing cases, whether those sent back by remand, or bona fide arrears; notices defective system in regard to taking up cases to pass orders thereon, and the means of correcting the same, and dispenses, for the present with monthly explanations in cases of long standing, substituting quarterly instead.

THE Sudder Dewanny Adawlut in Calcutta have lately communicated, for the guidance of the courts under their control, some remarks of the Government of Bengal regarding civil cases of longer standing than a year, to the effect that cases of former years should be always extremely few, and their appearance strictly accounted for; that the tendency to postpone the consideration of old cases, which are generally of a difficult and tedious nature, to the trial of new and easily decided suits, should be counteracted; and that particular stress should be laid on the point in the instructions sent by the Court to the subordinate tribunals.

2. The same Court, after noticing that the explanations given of the causes that have operated to retard the disposal of cases of the above description are frequently very unsatisfactory, observe that very few cases should, in their opinion, remain undecided in

the courts of the judge and principal sudder ameen which have been instituted beyond eight or ten, none in the sudder ameen's and moonsiff's courts that have been instituted beyond six months.

3. In the districts subject to this Court many suits, nominally of old standing, are those which have been remanded by a superior to an inferior tribunal, and restored to their original number and year of institution on the file; to them the foregoing remarks do not, of course, to the same extent apply. But in regard to bona fide arrears of former years the Court desire, in the fullest extent, to adopt the opinion, and repeat the exhortation of the Presidency Court.

4. The Court wish particularly to notice, as a defect requiring correction, the apparent absence of system, or prevalence of a bad system in many of the lower courts, in taking up the cases pending before them with a view to passing proper orders and issuing needful processes. It is an essential part of the duty of control vested in each judge to remedy this evil, which may be effected by calling for the papers of some of the pending cases upon a revision of the monthly statements, and, after inspection, issuing strict orders, injunctive of diligence or animadversive of neglect thereon, and reporting special instances of misconduct to the Court.

5. Under the present rule the civil statements for each month contain an exhibition* of the reasons of delay in deciding old standing regular suits and miscellaneous cases, and of the steps taken to prepare them for adjudication; and the same are repeated in the annual statements. From the districts under the Calcutta Court such explanations are required quarterly.

6. In districts where the civil business is heavy, the monthly requirement of these details doubtless imposes much labor on the various officers and their establishments, and, supposing due diligence to be used by the inferior, and supervision exercised by the judge's courts, the supply of such particulars quarterly would probably be sufficient as a means of information and check.

7. With this view the Court, until further orders, dispense with detailed explanations of causes of delay in deciding cases, regular and miscellaneous, older than 12 months, in all but the statements for March, June, September and December, and the statements for the whole year. The cases of former years will be exhibited, as at present, in the proper columns, according to the years to which they belong, in each monthly statement, with a note, in the column of remarks, of how many are remanded suits, and the dates of receipt, regarding each, by the court to which they were returned for re-trial; while a full detail of the causes that delay decision will be confined to the quarterly and yearly

* Part 3, Statement No. 1, Statements Nos. 2 and 3.

statements, and the quarterly detail will include a recital of the steps taken and orders passed in each such case during the quarter.

8. It will depend on the degree of care and attention paid by the local courts to this part of their duties whether the Court maintain the rule now sanctioned, or revert to the former practice.

TO THE CIVIL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 19th March, 1841.

No. 145.

Rules regarding leave of absence to the native judges and law officers during the vacations.

I AM directed by the Court to communicate to you the following rules sanctioned by Government, regarding leave of absence to the uncovenanted judges and law officers.

2. The civil courts being closed during the period of the Mohurrum and Dusserah vacations, with the express object of allowing the amlah and vakeels to visit their homes, you are authorized to comply with any applications for leave of absence during those periods, which may be made to you by the uncovenanted judges under your control, merely reporting to the Court the names of the officers to whom you grant leave. In those instances however, in which applications may be made for leave of absence for any time in excess of the vacations, you will, as at present, make previous reference to the Court for their orders, or for the orders of Government in regard to principal sudder ameens and sudder ameens under the Circular of the 4th September last.

3. The same rules are to be considered applicable to law officers, with advertence to the Circular Order No. 8, 23d March 1838, regarding the closing of the criminal courts.

TO THE CIVIL AND SESSION JUDGES AND THE MAGISTRATES AND JOINT MAGISTRATES IN THE BENGAL DISTRICTS.

Lower Provinces, 2d April, 1841.

No. 146.

Attention required to the style of proceedings in the Bengalee language.

IT being desirable that the proceedings of the civil and criminal courts recorded in the vernacular, should be generally intelligible, by the adoption of a style equally removed from the colloquial and that employed by the pundits, I am directed to request

that you will pay particular attention to the subject, and refer your head ministerial officers, and the uncovenanted judges under your control, to the Bengallee version of the Regulations of 1793, in regard both to the style which should be made use of by them and the terms which usually occur in legal proceedings.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 2d April, } 1841.
Western Provinces, 7th . May, }

No. 147.

Submission enjoined on zillah courts of quarterly returns of unexecuted decrees of the Sudder Dewanny Adawlut, and intermediate returns to precepts, issued in execution of such decrees, dispensed with.

THE Court, having had under consideration the unnecessary delay and additional trouble that are occasioned to the zillah judges and their omlah, by the preparation of intermediate or Meadee returns to precepts issued by this Court in the execution of their decrees, are pleased to direct that such returns be entirely discontinued from the 1st May* next.

2. In order to enable the Court to exercise a proper superintendence over this important department, and also to ascertain the exact progress made in the execution of their decrees, they request that you will submit a return every quarter of the unexecuted decrees of the Court of Sudder Dewanny Adawlut to this office, agreeably to the annexed form, both in English and in the vernacular, commencing from the 1st April instant.† Full details must be given in the column appropriated to remarks, that the Court may at once see to what authority any unnecessary delay in the non-execution of their decrees is attributable.

3. Should any of the decrees of the Provincial Courts or of the Privy Council be pending unexecuted in your district, you are requested to submit separate quarterly returns of these cases also.

A supplementary order was issued by the Calcutta Court on the 30th, requiring separate lists of the unexecuted decrees of the Privy Council, of the Sudder Dewanny Adawlut, and of the provincial courts, pending in each district on the 1st January 1841.

† The Western Court fixed the 1st June.

Quarterly Return of the unexecuted Decrees of the Court of Sudder Dewanny Adawlut in the Zillah Court of ——— on the 1st April, 1841.

Number of Zillah Register.	Number of the Sudder Suit and date of decision.	Number and date of the first Precept.	Names of the Parties.	Substance of the Decrees.	Cause of non-execution.
1.	No. 118 of 1839. Decided 10th June 1839.	No. 61, 2nd Feby. 1840.	Ram Mohun Ghose, Appellant, *versus* Khyrollah Shah, Respondent and decree holder.	To put Respondent in possession of Bishenpore Zemindaree, with mesne profits for two years.	An Ameen is now in the Mofussil ascertaining the amount of mesne profits—possession has been already given.
2.	No. 230 of 1839. Decided 15th Sept. 1839.	No. 87, 5th May 1840.	Teencowry Sheik, Appellant, *versus* Asman Bebee, Respondent and decree holder.	To realize the sum of 10000 Rupees with costs.	Writ of Execution has been taken out twice, but the Appellant has not yet been apprehended.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 10th April, 1841.

No. 148.

General authority given to judges under Section 8, Act XXV. 1837, to transfer miscellaneous business from their files for disposal to principal sudder ameens.

THE Court are pleased, under Section 8, Act XXV. of 1837, to give a general authority to the judges to transfer to the principal sudder ameens for disposal according to the rules prescribed for the judges in the like cases, any miscellaneous cases now pending, or that may be hereafter instituted in their courts under headings Nos. 5, 6, 7, 8, 10, 11, and 12 of Statement No. 2, together with any other miscellaneous matters legally transferrible under the Regulations to those officers.

TO THE ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 16th April, 1841.

No. 149.

Notices result of enquiry regarding

ON the 5th June 1840, the Court, referring to the numerous cases remanded in appeal, regular or special, for retrial to the lower courts during 1838 and 1839, requested from

suits remanded for retrial to lower courts, adverts to want of comprehension of correct principle in following that course, as instanced in various insufficient grounds, and especially two commented on, and prescribes monthly return shewing particulars concerning suits sent back by remand for the future.

the judges a brief exposition of the principle and general grounds on which they proceeded, and the considerations which chiefly influenced them in so dealing with the cases alluded to, as regarded both suits remanded from their own files, and those wherein a remand had been recommended by the principal sudder ameen and approved of by the judge under the Circular Order of the Sudder Dewanny Adawlut, No. 1146, dated 14th June, and issued 5th July 1839.

2. The Court have for some time had before them the returns to that call, an attempt to digest and classify which has, however, been frustrated by the variety of grounds of remand displayed therein, and the anomalous character of many of them; but a revision of the explanatory details proves that many suits have been most unnecessarily sent back for retrial, and that the principle on which such a course has been sanctioned by the law, is but imperfectly understood.

3. Without specifying many grounds that have appeared to the Court insufficient, two may be noted as frequently adduced, viz. 1st, the mere fact of a suit having been decided exparte by the lower court, and 2nd, the improper valuation of a suit, that point not having been urged in the court of original jurisdiction.

4. If after an appeal has been filed, and is brought on for hearing, either subsequent to the service of process on the respondent, or under the rules of Clause 3, Section 16, Regulation V. 1831, it should appear that the party appealing has had due notice served on him by the court of first jurisdiction, and that the judge presiding therein has decided the suit agreeably to the rules of practice and to the Regulations of Government, and further that the reasons of default assigned by the appellant are frivolous and groundless, or that he has wilfully neglected to attend in the lower court, in such case the Court are of opinion that the appeal should be dismissed. The mere circumstance of a case having been tried exparte is no sufficient ground for either sending it back for retrial, or for proceeding to investigate the pleas of the appellant to the original suit, provided it have been legally decided by the court of first instance.

5. The mere fact of the improper valuation of a suit constitutes no valid cause for remand, unless that point shall have been urged in the lower court; but should a suit be sent back on other grounds, and the plea of improper valuation have been urged in appeal, the Court consider it should not be overlooked by the remanding tribunal.

6. The Court now request that the judges will forward, with the statements of civil business for each month, a return in English, drawn out according to the annexed form, marked No. 4, shewing particulars regarding suits sent back by remand.

7. For the three months of the present year that have expired, the judges will be pleased to send a separate quarterly return at the earliest period possible.

8. The return is intended to shew the number of suits sent back in each month by order of the judges* to the principal sudder ameens, sudder ameens, and moonsiffs, for retrial. The different headings, which have been adopted with reference to the provisions of Clause 2, Section 2, Regulation IX. of 1831, extended to zillah and city judges by Act VII. of 1838, will enable the Court to ascertain the specific grounds on which the judgments appealed against have been considered to be erroneous or defective.

9. Ample materials for judging of the character, intelligence, and legal qualifications of the several judicial officers are presented by such a statement, carefully prepared, —attention is however requisite and must be given, to secure correct and complete returns, which will undergo the close scrutiny of the Court, and will be always referred to in the preparation of the annual civil report.

10. A similar statement will be kept by the Court, containing corresponding information regarding the judgments sent back for revision by order of the Sudder Dewanny Adawlut to the judges and principal sudder ameens.

No. 4.

Return of Judgments passed by the Principal Sudder Ameens, Sudder Ameens, and Moonsiffs of Zillah in the month of 184 *, in which injunctions have been issued to the Lower Courts to revise the cases according to the provisions of Act VII.* 1838.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
From what file sent back, Judge's or Principal Sudder Ameen's.	Name and official designation of Officer to whom remanded.	Judgment manifestly unjust.	Judgment at variance with the Regulations.	Judgment in opposition to the Hindoo or Mahomedan law.	Judgment in opposition to any of the laws applicable to the case.	Judgment passed without sufficient investigation *	Judgment grounded on assumptions, irrelevant or erroneous, with reference to the points at issue.	Total sent back for retrial.	Remarks.
From file of Judge,..... From file of Principal Sudder Ameen according to Circular Order, dated 14th June, 1839, ...									N B. Extract of the final proceeding in Urdu in each case sufficient to shew clearly the ground, or grounds of remand will invariably accompany this Return.

* It should be stated in the column of remarks how many of these cases were uninvestigated through the fault of the parties, and how many by the omission of the presiding Judge.

* Including cases in which the judge concurs in a remand, on reference from a principal sudder ameen under Circular Order, No. 39, dated 14th June and issued 5th July 1839.*

TO THE JUDGES IN THE LOWER PROVINCES, AND THE CIVIL AUTHORITIES IN THE EXTRA REGULATION PROVINCES.

Lower Provinces, 16*th April*, 1841.

No. 150.

Copies of proceedings in cases appealed to the Sudder Dewanny Adawlut, to be despatched within two months from receipt of Court's orders.

Resolution of the Court for expediting the disposal of appeals, to be made known to parties.

I AM directed to request that you will be careful, in future, to cause the record of every case appealed to the Sudder Dewanny Adawlut, from decisions passed in your court, or that of the principal sudder ameen, to be copied and despatched within two months from the date of receipt of a precept calling for the papers.

2. A resolution of the Court for expediting the disposal of appeals in the Sudder Dewanny Adawlut, is transmitted to you by this opportunity; and you are requested to cause the same to be made known by every possible means to those who are parties in cases pending in this Court.

Resolution of the Presidency Court of Sudder Dewanny Adawlut, dated* 16*th April*, 1841.

The Court, having taken into consideration the great delay that occurs in filing the usual security bonds, the reasons of appeal, and the replies thereto, deem it proper to notify to parties and to their pleaders that they must proceed with greater expedition, and in strict conformity to the rules laid down on this subject by the Regulations of Government. Applications of parties, or of their pleaders, praying for the postponement of their cases, or soliciting a longer period for the preparation of their pleadings, cannot, except on very urgent and unexceptionable grounds, be complied with.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES (THOSE OF DACCA, PATNA, MOORSHEDABAD, AND THE 24-PERGUNNAHS EXCEPTED) AND THE GOVERNOR GENERAL'S AGENT IN HAZAREEBAUGH.

Lower Provinces, 19*th April*, 1841.

No. 151.

Forms of application and certificate, for candidates for moonsiff-ships, to be filled up in English, and sent to the Court.

IN modification of paragraph 4 of the Circular Order No. 97, dated 21st August 1840, I am directed by the Court to forward to you 50 copies of the form of application and certificate, to be used when persons express an intention of presenting themselves before the committees for the examination of candidates for the office of moonsiff, and desire to receive a certificate of their fitness to undergo examination. These forms, you will be pleased to observe, are to be filled up in English, and to be sent, when duly filled up, to the Court, for transmission to the respective examination committees.

* This resolution is superseded by Act XXIX. 1841, by which its object will be more effectually promoted.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES, INCLUDING SAUGOR AND KUMAON.

Western Provinces, 7th May, 1841.

No. 152.

Observations of the Military Board communicated, as to the best means of introducing reform and economy in the expenditure of stationery, and various points conducive to that end noticed by the Court.

THE Court of Sudder Dewanny and Nizamut Adawlut beg the attention of the various officers to whom supplies of stationery are furnished from the public stores for the use of their establishments, to some remarks made by the Military Board, and designed to check abuse and induce greater economy in this branch of expenditure, in which it is notorious that great and wasteful outlay did, and it is feared still continues to, prevail.

2. With a view to limit the consumption of material and restrain it within moderate bounds, the Board notice that the quantity and size of paper to be used for letters ought to be apportioned in some sort to the extent of writing, instead of, as now, letters of a few lines being often written on a whole sheet of foolscap, three-fourths of which is mere waste.

3. Letters occupying only one page should be engrossed on half a sheet of foolscap; and those which extend to a few lines only on half a sheet of quarto post.

4. The practice of using Europe paper for envelopes (which the Court observe to prevail in the Saugor district) is deemed by the Board wasteful, and in every way unnecessary, inasmuch as country paper of various degrees of strength can always be obtained. It should therefore be discontinued. The Court further suggest that for covers to bulky despatches, such as statements, *misls* of cases, &c., a strong and durable description of paper, manufactured in the Kumaon hills, be made use of. It is ess brittle than the material in common use, cheap, and might be obtained, "on service," lby communication with the civil authorities of that province. It is, at the same time, to be noted (though the rule is not always observed) that packets in excess of 10 sicca weight are required to be packed in cloth.

5. The Board complain of the absence of a uniform plan of scale or expenditure to be observed by the same kind of officers, as well as of any rule prescriptive of the forms of official returns and documents, and the size and quantity of papers to be used in compiling them, as constituting a great obstacle to such a regulation of the issue and expenditure of paper as may prevent waste on the one hand, or deficiency on the other, and they observe that "the demands made by the same description of officers having similar establishments, and probably the same extent of duty to perform, have often been

so different both in the extent and kind of stationery applied for, that to regulate or check the supply by this test has been found impossible."

6. To remedy this defect, the Board have suggested the issue, by the Court, of distinct rules prescribing the kind and size of paper to be used for every description of letter, report, or return, furnished to them, and the enforcement of strict attention to such rules. This, however, is doubtless an object very difficult of attainment. In these Provinces lithographed forms are used for most of the periodical returns and statements, in which, with reference to the extent and variety of information contained in them, there does not appear to be any prodigal or needless use of paper; and as regards other returns sent up in manuscript, it would be difficult to devise uniform rules for general application, but a very slight supervision by the head of the establishment would always suffice to check and suppress open and manifest waste, while the frequent changes of officers from one district to another present good opportunities, to those who will give the matter the attention which it deserves, of exercising a more detailed and particular control by comparing the demand and outlay of different offices, and, when they have obtained a correct standard in one, regulating others of the same strength thereby.

7. The Court take the opportunity of noticing that annual and half yearly criminal statements need no longer be furnished in duplicate, as was required by Circular Order, No. 176, dated 31st July 1835, with a view to the submission of oneset to Government, by whom, however, this has been since dispensed with.

8. In explanation of the principle on which retrenchments have been wont to be made by them, the Board observe that this course has been chiefly induced by the omission of officers to explain the grounds on which the various items of demand have been calculated, or to shew cause for a large supply being required: and that, accordingly, whenever they have noticed an excess over former supplies, they have considered it a duty, in the absence of explanation, to allow only a partial compliance.

9. The Court would not conclude without one remark, that, if the means of check possessed by them over this department are confessedly indefinite and loose, it is the more imperative on the local authorities, to support and strengthen their exercise of it by active co-operation and aid, without which the superintendence contemplated by the Government Order of 8th May 1839, whereby the indents of judicial officers are required to be checked by the Court, can be of very little practical effect.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 4th June, 1841.

No. 153.

Monthly returns of work to be called for from the ameens, with a view to the judges exercising proper supervision over their proceedings.

IT being considered desirable that proper attention should be paid to the proceedings of the ameens appointed under the Circular Order, No. 197, 13th January 1837, to ascertain that they perform their duties in a satisfactory manner, and with sufficient promptitude, and that no more persons are appointed to the office than the amount of business actually requires, the Court request that you will direct the ameens in the district to submit to you a monthly statement, shewing how they are employed each day, the work assigned to them from time to time, and the period within which it is disposed of. A cursory inspection of the statements will shew you what degree of attention is paid by the ameens to their duty, and whether the number of those officers is sufficient for or inadequate to the work in the district.

TO THE CIVIL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 18*th June,* 1841.

No. 154.

The plan on which the records are arranged in Zillah Cuttack, recommended for general adoption.

I AM directed to transmit to you the accompanying copy of correspondence as per margin,* on the subject of arranging the records of the civil courts, and to request that you will take measures for giving immediate effect to the plan laid down in the extract from the letter of the judge of Cuttack.

* To Government No. 1615, 7th May, 1841, para. 5.
From Government, No. 884, 1st June, 1841, para. 2.
From Judge of Cuttack, No. 228, 1st December, 1839, paras. 2—6.

Extract from the Court's letter to Government, No. 1615, *dated 7th May,* 1841.

Para. 5. The Court do not consider it necessary to adopt, as a general measure, the plan proposed by Mr. Cartwright, which could only be carried into effect at a great expense without any corresponding advantage, especially in districts in which the records are in good order, and no delay is experienced in procuring papers which may be called for. In order however to ensure, as far as practicable, uniformity and regularity in the arrangement of the civil records in future, the Court propose to circulate an extract from the return of the judge of zillah Cuttack, which is a sensible practical letter, directing the several judges to conform to the practice mentioned in the 4th and 5th paragraphs of Mr. Hathorn's report, as far as circumstances will admit.

Extract from a letter from the Government to the Court, No. 884, *dated* 1*st June,* 1841.

Para. 2. The Governor approves of the circulation of Mr. Hathorn's letter in the manner proposed by the Court, and His Lordship believes that, if the precautions and suggestions recommended by that gentleman were more generally practised by the several zillah judges, the present difficulty in respect to their records would soon be got rid of.

Extract from a letter from the Judge of Cuttack to the Court, No. 223, dated 21st December, 1839.

Para. 2. The object in arranging voluminous records both of cases decided, (but to which occasional reference is required) and of cases pending, appertaining to several courts, is apparently two-fold, viz. preservation and facility of reference.

3. It is difficult to understand how such disorder, as described by Mr. Cartwright, should have existed in his court for years without detection; for one would have supposed that consequent delay or inability of the record-keeper to furnish reports and cases daily required for inspection, must have frequently occurred and led to inquiry and reform.

4. The system of arrangement ultimately adopted by the judge of Allahabad appears for the most part unobjectionable; but I am of opinion that, with reference to the various forms of record-rooms, and shapes of racks, in different zillahs, no fixed rules for the disposition of records can be laid down. If functionaries will only see that the record-keeper keeps the papers of each jurisdiction separate, subdividing them again according to departments, or rather description of cases, and arranging them by years and months, (each bustah containing the produce of one month carefully docketed outside,) no difficulty can occur.

5. In regard to cases pending, it is the practice in this office, and I think unobjectionable, that, during the day, they remain in charge of the officer of the department until disposed of, and at night, are placed in the record office for safe custody. The papers appertaining to cases finally disposed of, are handed over to the record-keeper as soon as the final roobakaree has received the judge's signature.

6. The records of this office are arranged upon the principle alluded to in the latter part of paragraph 4, and, with exception of the racks not bearing tickets of their contents, and the moonsiffs' records not being in bustahs, and some miscellaneous cases requiring more detailed subdivision, (all of which has been directed to be done forthwith,) I am not aware of any alteration which could be suggested in this office as an improvement, and at the same time absolutely requisite.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 2d July, 1841.

No. 155.

Judges to require from ameens appointed under Circular of

IT is desirable that increased attention be given to the proceedings of the ameens appointed under Circular Order, No. 197, dated 10th February 1837, to ascertain that they perform their duties with efficiency and promptitude, and that no greater number

of ameens are employed in each district than the amount of business actually requires. In these several points, enquiry will probably show the existence of considerable irregularity and abuse.

10th February 1837, monthly statements of work done by them, to supply a check upon the acts of those officers, and to prevent more being employed than are needed.

2. To provide some check over the acts of these persons, the judges will be pleased to require from them a monthly statement, shewing how they have been employed each day, the work assigned to them from time to time, and the period within which it is disposed of. A cursory inspection of this statement (which is not required to be submitted to the Court) will indicate the degree of attention paid by the ameens to their duty, and whether the number of those officers is in excess of, or equal or inadequate to, the demand of the district for their services, and will enable the judges to proceed accordingly.

3. The Court take the opportunity of observing that it has been ruled, that ameens appointed under the above Circular, viewed as ministerial officers of the civil court, may be dismissed from office for such gross neglect, or other misconduct, as may appear to call for such a measure, by the zillah judge of his own authority, without reference to the Court, subject, of course, to the appeal allowed by law.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 16th July, 1841.

No. 156.

Rule of Circular Order, No. 1100, dated 2d April last, stated to be applicable to principal sudder ameens, as regards cases before them of the kind described.

THE Circular Order, No. 147, dated 2d April (Western Provinces, 7th May) last, having omitted to make specific reference to cases of unexecuted decrees of the Sudder Dewanny Adawlut before the principal sudder ameens, in which precepts are wont to issue direct from the Court to those officers, the Court, in continuation of that Circular, are pleased to notify that the same rule, enjoining the submission of quarterly, and dispensing with intermediate, returns, is applicable to the principal sudder ameens, who are to transmit the requisite information to the judge in the prescribed form, in time for its incorporation in English in the statements ordered to be sent up quarterly by the latter.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 18*th June,*
Western Provinces, 30*th July,* } 1841.

No. 157.

Moonsiffs' attention ordered to be called to requirement

THE Court desire that judges will call the particular attention of the moonsiffs of their districts to the rule in Clause 2, Section 21, Regulation XXIII. 1814, requiring them, before trying a case 'exparte,' to ascertain the fact of due service of process on the

of Clause 2, Section 21, Reg. XXIII. 1814, as construed by Construction No. 775.

defendant, by inquiries from the person who served it, and from the witnesses of such service (it being declared imperative, by Construction No. 775, that the evidence of witnesses to the service, besides the peadah serving it, should be taken in every instance); as the Court have reason to believe, that the above requirement of the law is not, in some districts, duly observed.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 23d July, 1841.

No. 156

In allusion to a practice of deductions being made by collectors, on account of revenue, from proceeds of sales made in satisfaction of decrees, under circumstances not authorized by the law, judges apprized that such practice has been prohibited by the Sudder Board's Circular, and enjoined to bring every instance of its occurrence in future to the notice of the Court.

THERE having been reason to believe that, besides the case of entire muhals, liable under the law to sale for their revenue arrear, a practice was of wide prevalence for the revenue authorities to make deductions, for balances of revenue, from the proceeds of sales of rights and interests not comprising the entire estate, made in satisfaction of decrees of court, prior to transmission of the purchase money to the civil court; the Court, by a Circular call dated 8th May 1840, No. 889, required from the judges a statement respecting all sales made in 1839 by the revenue department, in satisfaction of decrees of the judges or the inferior courts, calculated to shew whether, and to what extent, the practice alluded to obtained; and by the returns to that call it was made manifest that the custom was common for collectors to deduct, on account of revenue, in cases where only portions of estates and rights and interests of particular parties may have been put up to sale.

2. With the sanction of Government the judicial officers generally are now informed that the practice described above is declared by the Sudder Board of Revenue to be prohibited by paragraph 132, and, still more distinctly, by paragraphs 143 and 144 of their printed Circulars, volume II., and the Board have added an assurance of its being now perfectly understood by collectors that, except in case of the sale of an entire muhal, no deduction from the proceeds of sales under decrees is to be made, and have stated that, if such a step is ever now taken, it arises from the collector's neglect to enforce a known rule.

3. The Sudder Board having signified their readiness, on any instance of such irregular deduction in future being reported to them, to have the amount refunded to the court which ordered the sale, taking legal steps to recover the arrear in some other manner, the judges are enjoined to bring every occasion which they may discover, of sums being deducted under such circumstances, to the immediate notice of the Court, and to require similar information from the subordinate courts.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 6*th August*, } 1841.
Western Provinces, 8*th October*, }

No. 157.
Creation of unauthorized funds in public offices, interdicted.

UNDER instructions from the Government, the Court notify, for general information, that the Honorable the Court of Directors have prohibited the creation and maintenance of unauthorized funds in the public offices, through the means of fines, or from deductions made from the pay of establishments; and have directed that sums thus accruing shall be carried to the credit of Government.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES, COMMISSIONERS OF KUMAON AND SAUGOR, AND POLITICAL AGENT OF SUBATHOO.

Western Provinces, 6*th August*, 1841.

No. 158.
Entry prohibited of persons wearing arms, except guards on duty, into civil courts.

WITH reference to a recent instance in which a moonsiff was attacked and wounded in open court by a muzkooree chuprassee of his establishment, the Court, in extension of the Circular Order of the Nizamut Adawlut cited in the margin,* to the civil department, are pleased to direct that proper measures be adopted to prevent, in future, the ingress of all persons wearing arms, excepting guards on duty, into the civil courts.

* No. 172, 12th June } 1835.
7th August }

2. This rule will be duly explained by the judges to the subordinate judicial officers under their control.

TO THE CIVIL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 13*th August*, 1841.

No. 159.
Form of the memorandum required by C. O. No. 40 of this volume.

I AM directed by the Court to request that the memorandum, under the signature of the serishtadar, required by the Circular Order, No. 40, 28th June 1839, may be submitted in duplicate according to the subjoined form, one certificate being attached to the bill for extra mohurrirs, and the other to the nuthee.

2. You are requested not to forward the bills until after the despatch of the nuthees charged for. It is unnecessary to send English letters with the bills.

نقشہ سارٹیفکٹ محنتانہ نقل کرنے والے کاغذات نتھی کا جو عدالت دیوانی صدر مقام کلکتہ مین بھیجا جاتا ہی فی التاریخ اونتیسوین جون سنہ ۱۸۴۱ مسیحہ

نمبر مقدمہ کا	نام متخاصمین	خلاصہ مقدمہ کا	تعداد الفاظ	تعداد محنتانہ	نام لکھنے والونکا

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 13*th August*, 1841.

No. 160.

Certain rules circulated for general information, dispensing with the use of stampt paper in various writings specified, presented in the courts of moonsiffs.

TO correct erroneous practices, wherever they may be found to prevail, in certain points connected with the procedure of the moonsiffs' courts, the Court deem it expedient to promulgate, for general information, certain constructions, as follows.

2. Construction No. 798 declares that "as by Clause 2, Section 9, Regulation V. 1831, pleadings, applications for filing exhibits, and for the attendance of witnesses, and copies of decrees in suits tried by moonsiffs, need not be written on stampt paper, the Court are of opinion that petitions presented to moonsiffs under Section 7, Regulation VII. of 1832, for the execution of their decrees, as well as wukalutnamahs filed in cases before them, should be received on plain paper." The same rule is repeated in Construction No. 950.

3. Under Construction No. 706, petitions presented in the moonsiffs' courts, agreeably to Clause 4, Section 6, Regulation V. 1831, are not required to be written on stampt paper.

4. By Circular Order, No. 10, dated 20th July, (Western Provinces, 3d August) 1838, razeenamahs filed in the moonsiffs' courts, whether in regular suits or in case of execution of decrees, are allowed to be written on plain paper.

5. It was ruled by the concurrent opinion of the two Courts, on the 26th June 1840, that petitions of parties objecting to the sale or transfer of property in execution of moonsiffs' decrees, may be received by those functionaries on plain paper.

6. The Court, at the same time, call attention to the fact of the above rules equally applying, under Section 5, Act XXV. 1837, to suits within a moonsiff's competency to decide, which may be referred for trial by the judge to a sudder ameen or principal sudder ameen, who, in such cases, is to be guided thereby.

7. The judges are requested to make these rules known to the several judicial officers of their districts, who will be directed to alter any practice at variance with them, that may be found to obtain in their courts.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 20th August,
Western Provinces, 3d September, } 1841.

No. 161.

Rules for guidance of local courts, in cases where the plaint is written on inadequate stamp, or valuation of contested property is objected to.

THE following rules of practice, which have been established by the Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces, are published for the information and guidance of all the local courts.

Rules for the guidance of the Zillah and inferior Courts, regarding cases in which the petition of plaint has been written on a stamp of inferior value, or in which the defendant may object to the plaintiff's valuation of the contested property.

I. In the event of its coming to the knowledge of the Court of original jurisdiction or appeal, that the plaint in any suit has not been written on paper of the proper value, the court in which the error may be detected shall proceed under Clause 1, Section 7,

Regulation XXVI. of 1814, either nonsuiting the plaintiff, should any fraud be apparent, or permitting him to file a duplicate of the plaint, should no fraudulent intent be presumable.

II. When the error in the value of the stamp in the original suit may be discovered in appeal, the appellate court, if the more indulgent process is determined on, shall return the plaint and the decree, retaining the case on the file, to the lower tribunal, for the purpose of having a duplicate plaint filed, and the necessary alteration made in the costs; and, on the return of the document, shall then proceed to dispose of the appeal on its merits.

III. In suits of the nature described in Clause 4 of the note to Article 8, Schedule B, Regulation X. 1829, the objections of the defendant to the plaintiff's valuation of the property sued for, as well as any other objections relative to the value of the stampt paper on which the plaint is written, must be brought forward in his answer to the plaint; and no such objections can be urged as a matter of right by the defendant at a subsequent stage of the case, either in the court of original jurisdiction or appeal; nor shall the question of inferior valuation of the property sued for, be triable by the appellate court, except upon summary or regular appeal from the order of the inferior court on that particular point, when the appellate tribunal shall proceed agreeably to Clause 2, Section 7, Regulation XXVI. 1814, should no fraudulent intention be apparent.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 20th August,
Western Provinces, 1st October, } 1841.

No. 162.

Maintenance of register book enjoined in judge's and principal sudder ameen's offices, for furtherance of the object of C. O Nos. 147 and 156 of this volume.

THE column for explanations in the statements of unexecuted decrees called for under the Circular Order No. 147, of the 2d April (Western Provinces, 7th May,) and No. 156, 16th July last, has not been filled up, in many instances, in such a manner as to show the successive steps taken by the authorities to give effect to the decrees of the superior courts. To facilitate the preparation of the statements in a satisfactory manner, the Court are pleased to direct that a register book be kept in future by the decree-jaree mohurrir of the judge's and principal sudder ameen's courts, in which an abstract of all orders shall be entered at the time they are passed, and the results of the orders similarly recorded.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 20th August, 1841.

No. 163.

Sections 10 and 12, Reg. XXVI. 1814, declared applicable to the courts of the principal sudder ameens and sudder ameens, but not to those of the moonsiffs.

THE Construction No. 859, having been under the consideration of the Courts of Sudder Dewanny Adawlut for the Lower and North Western Provinces, is hereby rescinded; and it is hereby declared, in modification of Construction No. 1226, that Sections 10 and 12, Regulation XXVI. 1814, are applicable to the courts of the principal sudder ameens and sudder ameens, but not to those of the moonsiffs.

2. The purport of this Circular is to be explained to the several uncovenanted judges.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 20th August, 1841.
Lower Provinces, 22d April, 1842.

No. 164.

Rules prescribed for the preparation of petitions presented to the several civil courts, suing out execution of decrees.

MUCH delay taking place and inconvenience being sustained by the omission of decree-holders to specify, in the petition presented by them to the civil courts suing out execution of their decrees, the various particulars enjoined in Clause 6, Section 15, Regulation XXVI. 1814, the Court are pleased to promulgate the following rules of practice, for general information, and to direct that the judges forward a copy of them to each of the subordinate courts of their respective districts, with instructions to make them as public as possible.

Clause 4, Section 15, Regulation XXVI. 1814—Section 22, Regulation V. 1831—Section 7, Regulation VII. 1832.

2. It is to be explained that the rules have equal application to petitions suing out execution of decrees of the Sudder Dewanny Adawlut, the zillah, and the inferior courts.

RULES.

Whereas the rule in Clause 6, Section 15, Regulation XXVI. 1814, requiring the statement of certain particulars by decree-holders in the petitions suing out execution of their decrees, presented to the several courts, is not generally observed, and its enforcement is requisite, the following instructions are promulgated, for general information, by the Court; and any petition hereafter presented otherwise than in conformity thereto, will be put into the office without any further order recorded on it.

1. Every decree-holder desirous of suing out execution of his decree, whether a pauper or otherwise, must write his petition on paper of the value prescribed for the court by which the decree may have been passed, viz. in the moonsiff's court, on plain paper, in the sudder ameens, principal sudder ameens, and zillah courts, on 8 anna stamp, and in the Sudder Dewanny Adawlut on paper value 2 rupees.

2. Each petition suing out execution is to have written, at its head, a tabular statement according to the form, and containing the particulars noted below.

Tabular form to be given at the head of every petition suing out execution of a decree.

* 1.	2.	3.	4.	5.	6.	7.*	8.
No. of the suit.	Names of the parties.	Date of the decree.	Subject of decree, that is, thing decreed.	Appeal preferred or admitted from the decision.	Any and what adjustment of the matter in dispute since the decree.	Statement of the specific amount due to the petitioner under the decree.	Name of the individual against whom the enforcement of the decree is asked.
1.	Seetaram, plaintiff, appellant, *versus* Ramsuhaee &c. defendants, respondents.	1st Jan. 1841.	Possession of Mouza Ramnuggur, &c. with mesne profits or rs. 2000 principal and interest.	Not appealed.	No adjustment.	3200 rupees.	Ramsuhaee, Pershadee Lall, &c.

3. When the decree-holder may move for the issue of process of arrest against the opposite party, he will mention in the body of the petition presented to the local court (whether the court by which such decree may have been passed, or to which its execution may be referred) the residence of such party, and where the process of arrest is to be issued. When he may move for the sale of property, a schedule of the property, and where it is to be found, must be given at the foot of the satement, as well as the boundaries of any house, garden, or tract of land included in the schedule.

At the foot of the petition the different items, of which the specific amount, entered in column 7, is composed, whether on account of principal, interest, costs of suit, mesne profits, or otherwise, should be given in detail, with a specification of the dates from and to which interest or mesne profits may be claimed;—in short, all such particulars as may elucidate the amount of the claim, and, in the event of any objections being taken to such amount by the opposite party, may tend to bring the matter in dispute to a distinct issue with a view to its speedy determination.

اِشتہار عدالت دیواني صدر مقام الہ آباد وکلکته

دستورالعمل درباب گذرانے درخواست اجرائے ڈکري

جوسنه ۱۸۱۴ع کے چھبیسوین قانون کے پنده رهوین دفعه کے چتھي ضمن کے موافق تصریح اکثر مراتب کے درخواست اجرائے ڈکري مین واجب معلوم ہوتي ہی اورظاہرا یہه معلوم ہواکه ہرایک عدالتون مین ہرایک ڈکریدارون کي طرف سے ایسي درخواستون کے گذرنے مین رعایت اُس دفعه اور اُسکي متعلق ضوابط کي جیسا که چاہئے عمل مین نہین آتي ہی اور یہه بات خلاف مصلحت ہی اِس واسطے حسب ایماے حکام عدالت دیواني صدر مقام الہ آباد کے بذریعۂ اِس اِشتہار کے مراتب مصرحۂ ذیل سے ہرخاص وعام کو اِطلاع دئي جاتي ہی آینده اگرخلاف مراد اِس دستورالعمل کے کوئی درخواست اجرائے ڈکري کے کسي محکمه مین گذریگي تو سیواے داخل دفتر ہونے کے اور کچھه حکم به نسبت اُسکے صادر نہوگا فقط

دفعه پہلي

جب کوئی ڈکریدار چاہے که درخواست اجرائے ڈکري کے گذرانے تو عام اُسے که وه مفلس ہو یا مستطع اُسکو چاہئے که ایسے درخواست دو اُس کاغذ پر لکھے جو جس محکمے کے واسطے موضوع ہی یعنے منصف کے محکمه مین ساده کاغذ پر اور صدر امین اور

صدر امین اعلیٰ اور صاحب جج کے محکمہ میں آٹھہ آنے کاغذ پر اور
عدالت دیوانی صدر میں دو روپیہ کے کاغذ پر

دفعہ دوسري

چاہئے کہ اِجراے ڈکري کے درخواست کے پیشاني پر نقشہ حسب
لکھے ہوئے ذیل کے باندراج مراتبات کے خانہ وار بموجب اُس
نقشہ کے لکھا جاوے

۱	۲	۳	۴	۵	۶	۷	۸
نمبر مقدمہ	نام فریقون کے	تاریخ ڈکري کے	شی ڈکري	فیصلہ سے اپیل دایر ہوئی یا منظور ہوئی	بعد فیصلہ کے متخاصمین کے بیچ میں کچھہ رفعداد ہوا یا نہیں اگر ہوا تو کس طرح پر	کیفیت تعداد باقی ڈکریدار کے بموجب ڈکري کے	نام اُن شخصونکے جس پر اِجراے ڈکري مطلوب ہے
مثلا انمبر	سیتا رام مدعی اپیلانت رام سہاے وغیرہ رسپانڈنت مدعا علیہ	پہلے جنوري سنہ ۱۸۴۱	مداخلت موضع رام نگر وغیرہ معہ واصلات وخرچہ دو ہزار روپیہ زرنقد اصل معہ سود	اِسی فیصلہ کی اپیل نہیں ہوئی	بعد فیصلے کے متخاصمین میں کچھہ رفعداد نہیں ہوا	سہ ہزار دو صد	رام سہاے و پرشاد لعل وغیرہ مدیون ڈکري

درخواست کے ذیل میں رقومات کل تعداد کے جو بیچ خانہ ساتوین خواہ بابت زر اصل خواہ سود خواہ خرچۂ عدالت خواہ واصلات خواہ جو کچھہ ہوے ساتھہ تواریخ کے کہ جس تاریخ سے اور جس تاریخ تک سود واصلات ذکري دار کو پانا ہوے مفصلا تصریح سے لکھا جایگا الغرض وہ سب مراتب ذیل میں لکھي جاوین کہ جسے حال بالکل منکشف ہوے اور درصورت پیش ہونے کسی عذر کے مدیون کے طرف سے بہ نسبت تعداد مطلوبہ ذکریدار کے واسطے ظاہر کرنے امر متنازعہ فیہ کے مقید ہوتا کہ تحقیقات قرار واقعی اُس عذر کي جلد کئی جاوے اور بہ نسبت اُسکے حکم ناطق صادر ہوے فقط

دفعہ تیسري

ہرگاہ ذکري دار کو منظور ہوے کہ دستک واسطے گرفتاري مدیون کے جاري کی جاوے چاہئے کہ اُسی درخواست کے متن میں جو مفصل میں گذرا نے خواہ اُس محکمہ میں جہاں سے ذکري ہوئی ہی خواہ اُس محکمہ میں جہاں مقدمہ واسطے اجراے کے تفویض ہوا ہو جاے سکونت مدیون کے اور جس علاقہ میں اُسکو منظور ہی کہ دستک جاري پاوے صاف درج کرے اور ہرگاہ ذکریدار کو منظور ہی کہ اُسکي اجراے ذکري کے ملت میں کوئی جایداد نیلام کئی جاوے چاہئیکہ تعلیقہ اُس جایداد کا اور جس جگہہ میں واقع ہوے ساتھہ حدود حویلی یا دوکان یا باغ یا زمین کے جو تعلیقہ میں مندرج ہی سوال کے ذیل میں تصریح سے لکھے فقط

TO THE CIVIL AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 25th August, 1841.

No. 165.

Rule for relief of civil and session judges, empowering them to employ, at discretion, their head clerk in certain unimportant duties now done by the former.

THE Court publish the following rule, determined on by the Courts of Sudder Dewanny and Nizamut Adawlut of the Lower and Western Provinces in concert, with the sanction of Government, for devolving on the head clerk of the zillah judge's establishment certain unimportant duties, hitherto performed by the judge, with a view to the relief of the latter officer.

2. The judges are empowered, at their discretion, to employ their head clerk in the following duties.

Attesting copies of decrees and other documents granted to parties on stampt or plain paper under the judge's orders.

Attesting copies of proceedings sent to the local authorities and to other districts under the judge's orders.

Registering in English the mooktyarnamahs, and preparing them for the judge's attestation.

3. As a needful precaution against error and abuse, it is, at the same time, ordered that the head clerk, when entrusted with such duties at the discretion of the judge, is never to attach his signature to any document without its correctness having been previously attested and certified by the head ministerial native officer of the judge's court.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 3d September, 1841.

No. 166.

References to Government concerning principal sudder ameens and sudder ameens, to be made henceforward through the Sudder Dewanny Adawlut.

THE changes effected in the constitution of the office of principal sudder ameen and sudder ameen, since the enactment of Regulation V. of 1831, having tended to devolve the bulk of the arrangements relative to those functionaries on the Sudder Dewanny Adawlut, it is considered desirable by Government that all references on the part of the judges concerning sudder ameens and principal sudder ameens, under Section 26, Regulation V. of 1831, or otherwise, instead of being made to the Government direct, be henceforth submitted through the channel of the Court.

2. The judges are requested to act upon this rule in future.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES

Lower and Western Provinces, 24th September, 1841.

No. 167.

Circular No. 83, 8th May 1840, regarding authority for disposing of claims to property advertized for sale in a jurisdiction other than that where the decree was passed, declared to be extended to native courts.

THE rule laid down in the Circular Order No. 83, dated 8th May 1840, relative to the proper authority for disposing of claims to property advertised for sale in execution of a decree, but situated in a jurisdiction other than that in which the decree was passed, not having been expressly declared applicable to the subordinate, as well as the zillah courts, it has been deemed proper by the Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces, with a view both to uniformity of practice and convenience, to extend it to the inferior tribunals, and such extension is hereby notified accordingly.

2. The subordinate courts will be guided, as to the mode of acting upon the circular referred to, by the principle of Construction No. 1235, the principal sudder ameens and sudder ameens forwarding the application, with a proceeding under their seal and signature, to the judge of the zillah or city court, within whose jurisdiction the property lies, while the moonsiffs will send it through the channel and under the signature of the judge of their own district.

3. The purport of this Circular is to be explained by the judges to the courts subordinate to them respectively.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 8th October, 1841.

No. 168.

Attention of civil authorities called to Circular Order, 29th July 1836, regarding the mode of forwarding original exhibits, &c., in appealed suits.

THE Court, having observed a very general and increasing disregard of the rule contained in the Circular Order No. 178, dated the 29th July 1836, which requires that, in despatching the record of causes appealed to the court, the original depositions of witnesses and the exhibits filed by the parties respectively, be forwarded in a separate cover under seal, each packet being properly endorsed and accompanied by a list of its contents and by a certificate of the actual state of the exhibits at the time of filing, deem it necessary to call the particular attention of the judges to the circular instructions referred to, and to intimate that any deviation which may in future be observed from this important rule, which by the circular is also made applicable to the subordinate courts, will be visited with serious notice by the Court.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 15th October, 1841.

No. 169.

Communicating a Circular of the Sudder Board of Revenue, which prohibits the deduction of revenue arrears, from proceeds of sales made in execution of decrees.

I AM directed by the Court to transmit to you, for general information, copy of a circular issued by the Sudder Board of Revenue for the Lower Provinces, prohibiting altogether the deduction of revenue arrears from the proceeds of sales held by order of the courts

Circular Order of the Sudder Board of Revenue for the Lower Provinces, No. 25, dated 20th September, 1841.

The Sudder Board of Revenue, having had under consideration the practice which obtains in regard to the disposal of the proceeds of sales made by orders of the civil courts, are of opinion that as by Regulation VII. 1825, such sales are declared to convey only the rights and interests of the individuals answerable for the amount of the decree in execution of which the sale is made, they should be treated, so far as Government is concerned, as mere private transfers; and that it is alike unnecessary and inexpedient to deduct from the sale price any arrears of revenue due from the mehal, in which the rights and interests of any person or persons may be brought to sale. Such a course is obviously unfair and inequitable when the party, against whom the process is enforced, possesses only a limited share in a joint undivided estate; and it is in all cases objectionable, as tending to confuse two very different processes, and to infringe the great principle of the hypothecation of the land itself for the revenue assessed upon it.

2. The Board are therefore pleased to direct that the practice above alluded to be discontinued, and that the collectors be instructed to be careful in causing it to be distinctly understood, in every case of sale held in satisfaction of a decree of court or other similar claim, that it is a condition of the sale* that the purchaser succeeds to all the liabilities of the former proprietor, and that the Government claims against the mehal are in no degree affected by the sale.

See Section 15, Regulation XLV. 1793.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 12th November, 1841.

No. 170.

Principal sudder ameens incompetent to make the inquiry required by Sec 1, Act IX 1839, or to pass orders on applications to sue *in formâ pauperis*.

I AM directed by the Court to request your attention to Construction No. 1285 of the 7th September 1840, as there is reason to believe that the duty of making the enquiry, as to the existence of sufficient grounds for the institution of a suit, in the case of parties applying to sue *in formâ pauperis*, is sometimes delegated to principal sudder ameens, contrary to the intent of the law. You will be careful, therefore, to decide that point yourself, before referring the petition to the principal sudder ameen for inquiry as to the pauperism of the plaintiff.

2. The Court have observed also some instances in which the applications of parties to be admitted as paupers have been disposed of by principal sudder ameens. This practice is opposed to the rule in Clause 4, Section 4, Regulation XIII. 1824, and the Construction No. 949, of the 1st May 1835, which declare that the judge only can determine the question of pauperism. The principal sudder ameens, to whom such applications may be referred, should therefore be instructed to confine themselves to the ascertainment of the alleged fact of pauperism, leaving it to the judge, on a perusal of the report, to pass the final order for the admission of paupers.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 19th November, 1841.

No. 171.
Native gentlemen of rank to be addressed by the authorities in a suitable manner.

AN instance having been brought to the notice of the Government, of an improper mode of address towards a native gentleman of rank by a public functionary, I am directed to request that you will be careful that native gentlemen, and particularly those of high rank, are addressed in all public documents in a courteous style suitable to their station in society.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 26th November, 1841.

No. 172.
Rule regarding salaries of law officers absent on leave.

THE Government have been pleased to sanction the adoption, in regard to law officers absent on leave, of a rule similar to that which holds in the case of native judges, viz. a deduction of one-half the fixed salary in the event of absence at any other period than the regular vacations, for absence during which no deduction is to be made.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER PROVINCES.

Lower Provinces, 3d December, 1841.

No. 173.
Names of heathen deities not to be prefixed to proceedings of the courts.

THE Court, having observed in various instances that the proceedings and orders of the different courts of justice are headed with the names of the heathen deities, desire me to request that such practice may be discontinued in all orders of the courts and processes emanating therefrom.

2. At the same time, I am directed to observe, that the above order has no reference whatever to petitions, documents, or papers of any kind which may be presented to the courts, in regard to which you will be careful to abstain from all interference.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 10th December, 1841.
Western Provinces, 1st January, 1842.

No. 174.
Date of receipt to be noted on applications of candidates for certificates of character.

I AM directed by the Court to request (with reference to the second Clause of the Rules passed by Government on the 4th August 1840,) that you will note the date of receipt on

every application for a certificate of character, which may be presented to you by persons desirous of becoming candidates for the office of moonsiff.

2. The date may be conveniently entered immediately under the application at the head of the tabular form.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 17th December, 1841.

No. 175.

Remarks regarding the standard of character and acquirements to be looked for in candidates for the office of moonsiff.

BY the 3d Clause of the Rules for the examination of candidates for moonsiffships, passed by the Governor General on the 4th August 1840, the zillah judges were required to certify as to the fitness of applicants to enjoy the privilege of examination. It appearing, however, that certificates of fitness were granted to applicants without sufficient discrimination, a particular form of certificate was enjoined by the 13th Clause of the Rules passed by the Governor of Bengal under date the 20th April 1841; and the points on which enquiry was expected to be made by the zillah judges, were indicated in the previous clause.

2. The Court now deem it necessary to communicate to you the following remarks which were submitted by them to Government, regarding the standard of character and acquirements to be required from those who offer themselves as candidates for the office of moonsiff, and which you are requested to keep in view in disposing of applications for certificates.

The rescinded form of certificate is alluded to.

"The Court are persuaded that His Lordship will coincide with them, as to the necessity of requiring a higher standard of character from future candidates than what the merely negative and equivocal terms of the certificate* serve to indicate. They would suggest that the zillah judges be required in future to make particular enquiries into the situation and circumstances in life of applicants, and to give certificates to none but those whom, from their general respectability and intelligence, they consider calculated to do honor to the office of moonsiff and eventually to the higher offices to which, under the recent rules, a creditable discharge of the duties of a moonsiffship can alone render individuals eligible. A proper degree of care in this point, on the part of the zillah judges, will obviate the necessity of the examining committee's paying attention to any thing but the acquirements and qualifications of the candidates, to which, in the opinion of the Court, those bodies should strictly confine themselves."

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 17*th December*, 1841.
Western Provinces, 25*th January*, 1842.

No. 176.

Obligation of appellant's vakeel to receive the prescribed notice on presenting to the zillah court an appeal to the Sudder Dewanny Adawlut.

IT is notified for general information, that it has been held by the Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces, that the vakeel who presents to a lower court an appeal from its decision to the Sudder Court, is bound, as the authorized and accredited agent of the appellant, to receive the notice prescribed by Section 10, Regulation VI. 1793,* and Section 3, Regulation XII. 1797, and that his receipt is a sufficient service upon the appellant.

2. To obviate any doubt or misconception on the point, the Court are pleased to direct that every vakeel presenting a petition of appeal of the nature contemplated, to the lower court, be required to procure the insertion, in his vakalutnamah, of a clause specially empowering him to receive the prescribed notice. It is to be observed, however, that the omission of such a clause in the vakalutnamah, will not absolve the vakeel from the necessity of receiving the notice for service upon his client.

* Clause 8, Section 10, Regulation V. 1803, for the ceded provinces.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 31*st December*, 1841.
Western Provinces, 17*th January*, 1842.

No. 177.

Duties defined and mode of remuneration fixed, of ameens employed under Circular Order No. 197, dated 13th January, (Western Provinces, 10th February,) 1837.

THE Court are pleased to circulate the following directions regarding the duties and remuneration of ameens, appointed under the Circular Order No. 197, 13th January (Western Provinces 10th February) 1837.

2. The duties on which the civil courts are empowered by the Circular Order abovementioned, to employ ameens, are detailed in Sections 50 to 53 of Regulation XXIII. 1814, and may be classed under these heads.

I. The investigation of accounts in revenue or mercantile transactions; regarding the boundaries of lands or houses; regarding the right of way in roads or pathways; regarding any right in forests, commons, rivers, lakes, ponds, wells, reservoirs, or water courses; regarding the quantity and description of land, and rent to which it is liable; and, generally, all questions of local rights and usages, which cannot be ascertained by reference to the collector's records, and cannot conveniently be decided without an enquiry on the spot.

II. The delivery of formal possession of lands, houses, or other real property, in conformity with decrees or orders of court.

III. The attachment and sale of houses, gardens, orchards, "or small portions of lakhiraj land," as well as of personal property, for the purpose of realizing the amount of fines or of decrees or other orders of court; and

IV. Enquiring into and reporting on the sufficiency of securities, and the indigence of persons suing *in formâ pauperis.*

3. As regards the last class of duties, it has been ruled by Construction 1078, that no fees can be levied for the remuneration of the ameen in cases in which he may be employed in investigating the sufficiency of securities tendered to the Sudder Dewanny Adawlut or zillah courts, or in enquiring into the circumstances of parties desiring to sue as paupers; and that, therefore, if the employment on those duties of persons who do not receive any fees, should be deemed objectionable, the judges may as heretofore, confide the duty to the nazir or to the moonsiffs. The latter course, it is to be presumed, would be always followed; the gratuitous use of the services of an unsalaried agent dependant for livelihood on the commission he may receive for work performed, being obviously improper.

4. As respects the first two classes of cases, the Court consider that no better rule for the ameen's remuneration can be adopted than that contained in Clause 2, Section 51, Regulation XXIII. 1814, cited in the margin.* The law no where fixes the specific amount of remuneration to be paid to the ameens under the rule above referred to, but merely directs that the court shall order such sum to be paid to the ameen as may be thought reasonable, for his trouble; and enjoins care on the part of the court that expenses be not unnecessarily incurred by the ameen through delay or other cause.

* Viz. that "previously to issuing any instructions to a moonsiff for the performance of any of the duties described in that or the preceding Section, the judge shall require either the plaintiff or the defendant, according to the circumstances of the case, to pay into court such a sum of money as may be an adequate remuneration to the moonsiff for his trouble, provided such sum do not exceed the probable expence which would be incurred if an ameen or a native officer of the court were employed on the same duty."

5. The Court have been pleased to fix the maximum amount of remuneration to be awarded to the ameen in such cases at 12 annas per diem for himself, and 3 annas for the hire of two peadahs, or a total rate of 15 annas per diem; and this rate is, on no account, to be exceeded.

6. It will be the duty of the presiding authority, at the time of directing the appointment of an ameen, to fix the period within which he should be required to make his return, and to determine the rate of his remuneration under the limits above laid down, as well as by which of the parties the amount shall be deposited; and the ameen shall on no account be appointed till such sum have been paid in. The amount having been deposited, a moiety of it shall be paid to the ameen, and the balance on the completion, to the satisfaction of the court, of the duty assigned to him. When such duty may be found to have been discharged in a negligent or improper manner, the court shall pass, in regard to the balance in deposit, such order as in each case, on a full review of the circumstances, may appear just and proper, either causing its refund to the depositing party, or appointing a second ameen for the satisfactory completion of the work:—the latter shall not, however, be entitled to receive as remuneration, more than the balance remaining in deposit.

7. Where the ameen may find it impracticable to make his return within the period fixed by the court, he shall submit a report to that effect, prior to the expiration of that term, stating fully the progress he has made towards execution of the order, and the circumstances which hinder completion within the period allowed. The court shall immediately take such report into consideration; and if it appear that the delay has arisen from neglect of the parties, or either of them, or from other circumstances beyond the control of the ameen and in no way involving his conduct, it shall be competent to the court to grant such extension of time as may seen proper, and to direct the deposit, within a certain period, of such additional sum for the remuneration of the ameen as may be deemed reasonable. The court shall at the same time be competent to order payment to the ameen of such portion of the balance of original deposit, as may suffice for his immediate expenses. In the event of the further deposit not being made within the time fixed, and the party, or his vakeel, ordered to deposit the same, not being able to shew satisfactory cause for the delay, the court shall order the ameen to strike the case off on default, and direct the payment to him of the balance in deposit. When however the delay may be owing to the neglect of the ameen, the court shall require him to complete the duty within such further period as it may be fit to grant, but shall not allow him any additional compensation for that period.

8. As regards the third and most numerous class of cases, in which real or personal property has to be attached and sold in realization of sums awarded by the civil courts, much difference of practice is believed to prevail in the manner of employing the ameens; in some districts their agency being confined to the conduct of the sale, while it includes the attachment as well as the drawing up and issue of the sale advertisement in others; and in some instances ameens have been in the habit of receiving petitions of objection to the sale, and transmitting them to the court, whence they have been generally directed to conduct the enquiry into such objections, and report the results for orders. It has been, however, determined by the Court that the duty of issuing the advertisement of sale as well as the reception, of their own authority, of any petition of objections to the sale, is beyond the competency of the ameens to perform; and their agency is to be restricted to the attachment and sale.

It has been ruled that ameens appointed under Circular Order No. 197, Vol. II. have the constructive power, under Clause 3, Section 2, Reg. VII. 1825, of selling real as well as personal property in satisfaction of decrees. See Circular Order No. 69, 7th February 1840.

9. For this duty, under Section 51, Regulation XXIII. 1814, the ameens are entitled to receive a commission of one anna in the rupee on the proceeds of sales effected by them; but provision is not made for the following contingencies, on the occurrence of which, under the above rule, the ameen can receive no compensation, to which he is, nevertheless, entitled for the trouble and expense to which he may have been subjected.

I. Where no part or only a very small portion of the property included in the schedule filed by the decree-holder, and ordered to be attached through the ameen, may, after due search and enquiry, be forthcoming.

II. Where, after attachment of the property but prior to the date fixed for its sale, the party liable for the demand may discharge the same, or, having compromised the matter with the decree-holder, the latter may file a "razeenamah," or where the sale

may be postponed and eventually stopped by order of the court, or where, from any other cause, it may not take place.

III. Where the ameen may actually have proceeded on the day fixed for sale, to the spot, and the sale may not take place, owing to payment of the amount or other cause; and

IV. Where the sale, having taken place, may afterwards be reversed for some cause not involving the conduct of the ameen.

10. Respecting the first three contingencies, the Court have resolved that the ameen, in compensation for his trouble and expense, shall be paid by the same rate of daily allowance, as that fixed in paragraph 5 of this letter, viz. 12 annas for himself and 3 annas for the hire of peadahs, the number of days being calculated according to the distance, on a fixed scale of distance per diem, which the Court are pleased to establish at 10 miles per diem. Every day of detention at the place of attachment or sale, which may be compulsory, and beyond the control of the ameen, will be charged for in addition at the above rate, and the remuneration of one day will be paid to the ameen on the occurrence of the 2d contingency, should the sale have been stopped in time enough to prevent the departure of the ameen from his usual abode, for the purpose of effecting the sale.

11. It is, at the same time, provided that the total amount receivable by the ameen under the above rule shall, in no case, exceed the amount he would have got if the sale had been effected in due course.

12. In the fourth and last contingency mentioned, the Court deem it just that the ameen, where the sale, having taken place, may be reversed, receive the full commission of one anna in the rupee on the proceeds of the sale, as he will have been subjected to the same labor and expense, and have incurred the same responsibility, as if the sale had been confirmed. The court ordering the sale will, in such case, determine by which of the parties the cost incurred on this account, as well as when the sale may be stayed by an order of the court, shall be ultimately borne. When the decree-holder may file a razeenamah, the commission of the ameen shall be recovered from him, leaving him to make his arrangements for obtaining reimbursement of the amount in any compromise concluded with the opposite party; but when the sale may be stayed owing to the payment into court, or to the ameen, of the demand by the opposite party, such payment shall also include the ameen's commission, calculated under whichever of the foregoing rules may apply to the case, and which should first be paid to the ameen before any payment is made to the decree-holder.

13. Ordinarily, the delivery of possession to auction purchasers of property sold by ameens, is to be considered as included in the duty for the performance of which the ameen receives the commission of one anna in the rupee on the sale proceeds; but where the delivery of possession may have been unduly resisted, it will form a separate case, falling within the rule laid down in paragraph 4 of this letter, and be dealt with accordingly.

C. H. Hakmann, Bengal Military Orphan Press.

INDEX

TO

THE CIRCULAR ORDERS,

PASSED BY

The Sudder Dewanny Adawlut,

FROM THE END OF THE YEAR 1837,

TO

THE END OF THE YEAR 1841.

ACTS.

See Evidence, Nos. 74, 85, 125.

AMEENS. *Nos.*

Communicating in continuation of Circular No. 197, dated 13th January, (W. P., 10th February) 1837, that ameens have the power, under Clause 3, Section 2, Regulation VII. of 1825, of selling real as well as personal property in satisfaction of decrees. Lower and Western Provinces, 7th February 1840, ... 69

Monthly returns of the work performed, to be called for from the ameens, with a view to the judge exercising proper supervision over their proceedings. L. P., 4th June 1841,..... 153

Judges to require from ameens appointed under Circular of 10th February 1837, monthly statements of work done by them, to supply a check upon the acts of those officers, and to prevent more being employed than are needed. W. P., 2d July, 1841,..... 155

Duties defined and mode of remuneration fixed, of ameens employed under Circular Order No. 197, dated 13th January, (Western Provinces, 10th February) 1837. L. P., 31st December 1841. W. P., 17th January 1842,..... 177

APPEALS.

See Periodical Reports and Statements, No. 2.
See Principal Sudder Ameens, Nos. 4, 8, 65.

Nos.

Modifying the certificate No. 1, prescribed by the Circular Order No. 118, 24th October 1834. L. and W. P., 24th August 1838,..... 16

Rules regarding the receipt and admission on the files of the judge's court, of regular appeals from the decisions of the subordinate judicial functionaries. L. and W. P., 28th September 1838,..... 20

Supersession by Acts VII. and XXII. of 1838, of the provisions of Clause 2, Section 27, Regulation XXIII. of 1814, and the Construction thereon, No. 870, of 21st February 1834, relative to appeals. L. and W. P., 23d August, 1839, ... 46

Requesting particular attention to existing instructions relative to the proper course to be followed by the judge in taking up petitions of appeal, under Clause 3, Section 16, Regulation V. of 1831, and Act VII. of 1838, when the petitioner may not be in attendance in person or by vakeel. L. and W. P., 23d August, 1839, ... 47

See Civil Causes, No. 102.

Attention of judges called to the rules regarding the admission of special appeals. L. P., 8th January, 1841,..... 130

Rules for the admission and disposal of regular appeals. L. P., 12th March, 1841, ... 141

Obligation of appellant's vakeel to receive the prescribed notice on presenting to the zillah court an appeal to the Sudder Dewanny Adaw-

Nos.

lut. L. P., 17th December 1841, W. P., 25th January, 1842,..... 176

ARBITRATORS.

Appointment of arbitrators under Construction of Sections 3 and 4, Regulation XXI. of 1803. W. and L. P., 12th October, 1838,..... 24

CALCUTTA.

See Processes, No. 140.

CIRCULARS.

Enumeration of rescinded Circulars. L. P., 19th March 1841, ... 143

CAZEES.

Measures prescribed for the better attainment of the objects of registration of deeds by pergunnah cazees. L. P., 28th September, and W. P., 23d November 1838,..... 21

Instructions regarding the appointment and duties of pergunnah cazees. L. and W. P., 6th December 1839, ... 61

CIVIL CAUSES.

Cases decided by the criminal authorities under the provisions of Section 6, Regulation VII. 1819, are not open to a civil action. L. P., 31st August, and W. P. 13th November 1838, 81

Rules to be observed by the civil courts for procuring the attendance of parties in cases remanded for further investigation or to be tried *de novo*. W. P. 3d, and L. P. 31st August, 1838, ... 19

Instructions regarding the legality of dividing a claim into several parts. An order passed in the execution of a decree, carrying out the original intentions of the decree, does not constitute a new cause of action. L. and W. P., 11th January 1839,..... 29

Rule of procedure when the defendant in a regular suit may plead that the plaintiff has underrated the value of the property sued for. L. and W. P., 19th June, 1840, ... 90

Directing the insertion, in all decrees passed in appeal, of the date on which the suit was referred to the subordinate court for trial. L. P., 14th August, and W. P., 4th September 1840, ... 96

Prohibiting certain irregular practices of the lower courts in passing decisions in suits remanded to them for re-trial; and pointing out the course to be pursued. W. P., 28th August, 1840,..... 102

Calling the attention of the judges to the rules contained in the Circulars, No. 12, of the 7th August 1817, No. 60 of the 25th October 1822, and No. 179 of the 5th August 1836, and in Section 21, Regulation V. 1831, and Section 10, Regulation XXVI. 1814, regarding the mode of conducting civil suits. L. P., 2d October, 1840,..... 109

Observes on the importance of reducing as much as possible the number of old standing cases, whether those sent back by remand, or *bona fide* arrears; notices defective system in regard to taking up cases to pass orders thereon, and the means of correcting the same; and dispenses, for the present, with monthly explanations in cases of long standing, substituting quarterly instead. W. P., 24th March, 1841,... 144

CIVIL COURTS.

Civil courts, in reversing sales of estates made in satisfaction of arrears of public revenue, not to declare the precise sum receivable by the auction purchaser as compensation, but merely to order the restoration of the former proprietor to possession with whatever mesne profits he may be entitled to receive for the period of his dispossession. L. and W. P., 10th August, 1838, 15

Cancelling the Circular Order No. 15, dated 10th August 1838, which prescribes an alteration, in certain particulars, of the practice of the courts in suits brought against Government and the auction purchasers of estates sold for arrears of revenue. L and W. P., 16th April, 1840,..... 78

Instructions regarding the extent of the powers vested in the civil courts, in putting auction purchasers in possession of property purchased by them, on a requisition of the collector, under Clause 1, Section 28, Regulation XI. of 1822. L. P., 1st November, and W. P., 13th December, 1839, ... 55

Communicating observations and orders relative to the release from restraint of revenue defaulters by the courts, under Clause 1, Section 16, Regulation XXVII. of 1803. W. P., 6th December, 1839,..... 62

Intimating the proper course to be followed on a party in a suit filing a deed written on paper not bearing the prescribed stamp. L. and W. P., 3d January, 1840, ... 64

Nos.

Prescribing rules for the observances of parties giving in stampt paper in order to obtain copies of decrees, and for regulating the procedure of the civil court in the same matter. L. and W. P., 8th May, 1840,..... 82

Calling for returns of the principal ministerial officers attached to the courts of the civil and session judges. L. P., 20th November, 1840,... 118

Purport of former Circulars touching points of civil procedure under Regulation XXVI. 1814, embodied in one order. W. P., 4th January, 1841,..... 127

Calls attention of the subordinate courts, through the judges, to the regulations prescribing rules for the preparation of pleadings, and enjoins observance thereof, with penalty on failure. L. P., 8th January, W. P., 13th February, 1841, 129

Particular attention to be given to the disposal of cases of long standing. L. P., 15th January, 1841,..... 132

Rules for the transaction of civil business. L. P., 15th January, 1841,..... 133

General authority given to judges under Section 8, Act XXV. 1837, to transfer miscellaneous business from their files for disposal to principal sudder ameens. W. P., 10th April, 1841,... 148

See Periodical Reports and Statements, No. 149.

Entry prohibited of persons wearing arms, except guards on duty, into civil courts. W. P., 6th August, 1841, ... 158

See Stamps, No. 161.

See Execution of Decrees, No. 164.

Principal sudder ameens incompetent to make the enquiry required by Section 1, Act IX. 1839, or to pass orders on applications to sue in *forma pauperis*. L. P., 12th November, 1841,... 170

See Heathen Deities, No. 173.

CONSTRUCTIONS.

Intimating that a collector has no power, under Clause 4, Section 4, Regulation VII. of 1825, to postpone a sale without an order to that effect from the court ordering the sale, and cancelling the concluding words of paragraph 2, of the printed Construction No. 794. L. and W. P., 4th September, 1840, ... 105

CORRESPONDENCE.

Enjoining the observance of Circular No. 20, dated 2d July 1830, requiring each letter addressed to the Court to be accompanied by an abstract of its contents. W. P., 13th November, 1840,..... 116

COPIES OF PAPERS.

Nos.

Instructions in regard to the description of documents, of which copies should be given to pauper plaintiffs on plain paper, under Section 8, Regulation XXVIII. of 1814. L. and W. P., 1st November, 1839, ... 56

Instructions regarding applications for copies of papers connected with suits pending before native judges. L. P., 15th November, 1839, and W. P., 16th January, 1840,..... 58

See Civil Courts, No. 82.

COSTS.

See Miscellaneous Cases, No. 13.

DAWK.

Circulating an extract of a letter from the post master general, regarding the tying up of parcels intended to be sent by dawk. L. P., 28th February, and W. P., 13th March, 1840, 70

DECREES.

Revenue authorities to be furnished with copies of those decrees only which are final, and of which execution shall have been taken out. L. P., 5th October, 1838, ... 22

Prescribing rules for the observance of the subordinate courts in regard to the preparation of their final decrees, and transmission to the judge's court of records of decided cases by the inferior tribunals. L. and W. P., 20th September, 1839, ... 49

Directing, with reference to the concluding paragraph of Circular No. 49, dated 20th September, 1839, that when principal sudder ameens decide no suits above 5,000 Rupees in value, a note to that effect should be appended at the foot of the supplement to part 4, of the monthly civil statement No. 1. L. and W. P., 28th February, 1840, ... 71

DUTIES OF ASSISTANTS, &c.

Officers in charge of current duties of the office of civil and sessions judges, have the power of giving leave of absence for a limited period, in urgent cases, to the vakeels and amlah. L. and W. P., 11th October, 1839,..... 53

ENGLISH DOCUMENTS.

Instructions in modification of paragraph 4 of the Circular Order, No. 4, 23d February,

Nos.

1838, regarding the cognizance by principal sudder ameens of suits in which English documents may form a part of the evidence. L. P. 18th, and W. P. 31st October, 1839,..... 54

EVIDENCE.

Forwarding translations in Bengalee and Urdu of the form of declaration prescribed by Act V. of 1840, with instructions for bringing the provisions of that law into operation. L. P., 3d April, 1840,..... 74

With reference to Act V. of 1840, transmitting, with instructions how to administer the same, a translation of the affirmation enjoined to be taken by all Hindoo and Mahomedan deponents. W. P., 15th May, 1840, ... 85

With reference to the provisions of Act XXIII. of 1840, communicating instructions regarding the obtaining the evidence of witnesses residing in Calcutta. L. P., 18th December, 1840, 125

EXECUTION OF DECREES.

Calling for a report of the practice observed in the districts in regard to the payment of money realized in satisfaction of the decrees of the moonsiffs' courts, together with such suggestions as they may have to offer on the subject, &c. L. and W. P., 22d March, 1839,..... 32

Rule for effecting the sale of property, situated in a different jurisdiction from that in which the decree was passed, L. and W. P, 8th May, 1840,..... 83

See Sales, No. 106.

Communicating rule of practice regarding the authority for disposing of claims to share in the proceeds of sales in satisfaction of decrees. L. and W P., 20th November, 1840... 119

Rules prescribed for the preparation of petitions presented to the several civil courts suing out execution of decree. W. P., 20th August, 1841, L. P., 22nd April 1842. 164

Circular No. 83, 8th May, 1840, regarding authority for disposing of claims to property advertized for sale in a jurisdiction other than that where the decree was passed, declared to be extended to native courts. L. and W. P., 24th September, 1841,.. 167

FINES.

See Periodical Reports and Statements, No. 6.

See Native Judges, No. 97.

See Uncovenanted Servants, No. 95.

FUNDS.

Nos.

Creation of unauthorized funds in public offices, interdicted. L. P., 6th August, and W. P., 8th October, 1841, ... 157*b*.

GLAZED DOORS AND WINDOWS.

Instructions for the preservation and repair of glazed doors and windows. L. P., 31st May, and W. P., 20th September, 1839..... 35

Authorizing an alteration in the Circular Order, No. 35, dated 31st May, (W. P., 20th September,) 1839, regarding glazed doors and windows. L. and W. P., 1st May, 1840, ... 80

GOVERNMENT PLEADER.

Rule for affording the Government Pleader the ready means of realizing his fees from Government, in cases decided wherein the Government is a party. W. P., 4th September, 1840, 104

HEATHEN DEITIES.

Names of heathen deities not to be prefixed to proceedings of the courts. L. P., 3d December, 1841, ... 173

INTEREST.

Rules regarding interest or wasilaut accruing subsequently to the institution of a suit, and while it may be pending; and also regarding interest or wasilaut accruing from the date of the decree. L. and W. P., 11th January, 1839, 29

JUDGE'S OFFICE.

See duties of Assistants, No. 53.

Rule for relief of civil and session judges, empowering them to employ, at discretion, their head clerks in certain unimportant duties now done by the former. L. and W. P., 25th August, 1841, ... 165

JURISDICTION.

See Execution of Decrees, Nos. 83, 119, 167.

LANGUAGE.

Transmitting copy of a Resolution of Government, and requesting that measures be taken for substituting, for the Persian, the vernacular language. L. P., 9th February, 1838, ... 3

Nos.

Proceedings addressed to certain officers in the Hazareebagh division, to be written in the Urdu language. L. P. 23d November, 1838. 27

Instructions, in pursuance of the orders of Government, dated 6th April, for the general introduction of the vernacular or Hindoostanee language in civil proceedings, in supersession of the Persian. W. P., 19th April, 1839, ... 33

Resolution declaring the Urdu to be the language of record in the Sudder Court, and containing further rules in regard to the introduction of the vernacular languages into the courts of justice. L. P. 5th July, 1839, ... 42

The introduction of the Nagri character in writing the Urdu language to be gradually and cautiously effected. L. P., 1st November, 1839. 57

Attention required to the style of proceedings in the Bengallee language. L. P., 2d April, 1841, 146

LAW OFFICERS.

Rule regarding salaries of law officers absent on leave. L. P., 26th November, 1841, ... 172

LEAVE OF ABSENCE.

See Principal Sudder Ameens, No. 103.

See Native Judges, No. 145.

See Law Officers, No. 172.

MINISTERIAL OFFICERS.

See Civil Courts, No. 118.

See Judge's Office, No. 165.

MISCELLANEOUS CASES.

Rules which govern award of costs in regular suits to be considered equally applicable to miscellaneous cases. W. P., 27th July, and L. P., 10th August, 1838, ... 18

MOONSIFFS.

Directing the adoption of a form of statement, shewing the quantity of business disposed of daily by the several moonsiffs W. P., 14th October, 1837, ... 1

See Periodical Reports and Statements, No. 10.

Extending to moonsiffs the rule laid down regarding the mode of address in paragraph 2, Circular Order No. 64, 30th November, 1832. W. P., 24th August, and L. P., 19th October, 1838, ... 25

See Stamps, No. 87. *Nos.*

See Tulubana, No. 98.

Rules regarding the rates of allowance, payable respectively to persons who officiate as moonsiffs, and to those who are merely placed in charge of moonsiffs' offices. L. P., 6th March, and W. P., 1st May, 1840, ... 72

Directing that communications between moonsiffs of the same district be carried on direct, and not through the intervention of the judge's court. W. P., 27th March, and L. P., 10th April, 1840. 75

Directing the judges to report the occurrence of vacancies in the list of moonsiffs of the first grade, with their opinion in respect to the officers best qualified to succeed. W. P., 1st May, 1840, ... 81

Communicating instructions on the subject of the tuhseeldaree cutcherries being constituted places of deposit for sums realized by moonsiffs from the sale of real property in execution of their decrees. W. P., 18th September, 1840.... 107

Circulating extract from a despatch from the Honorable the Court of Directors, relating to the Circular No. 1, of the 14th October, 1837, which directs the adoption of a form of statement shewing the quantity of business disposed of daily by the moonsiffs W. P., 13th November, 1840, ... 117

Forwarding sunnuds of appointment for moonsiffs, with instructions on the subject. W. P., 11th December, 1840, ... 123

Mode of designating certain moonsiffs. Attention called to Circular Order No. 156, 6th November 1835. L. P., 15th February, 1841, 134

Moonsiffs' attention ordered to be called to requirement of Clause 2, Section 21, Regulation XXIII. 1814, as construed by Construction No. 775. L. P., 18th June, and W. P., 30th July, 1841, ... 157

Certain rules circulated for general information, dispensing with the use of stampt paper in various writings specified, presented to the courts of moonsiffs. L. and W. P., 13th August, 1841,..... 160

MOONSIFFSHIPS.

Transmitting rules passed by the Governor General in Council for the examination of candidates for the office of moonsiff, with forms of certificates. L. P., 21st August, 1840,..... 97

Communicating rules for the examination of candidates for the office of moonsiff, and fixing the stations for holding the periodical examinations. W. P., 20th October, 1840, ... 112

Nos.

Forms of application and certificate, for candidates for moonsiffships, to be filled up in English, and sent to the Court. L. P., 19th April, 1841. 151

Date of receipt to be noted on applications of candidates for certificates of character. L. P., 10th December 1841, and W. P., 1st January, 1842. 174

Remarks regarding the standard of character and acquirements to be looked for in candidates for the office of moonsiff. L. P. 17th December, 1841, ... 175

MOHURRIRS, (EXTRA.)

Prescribing the rate of payment for copying proceedings in cases referred to the Sudder Court. L. P., 28th June, 1839, ... 40

Authorizing the employment of extra mohurrirs to be paid at section rates, for copying proceedings in cases appealed from the decisions of principal sudder ameens to the Sudder Court. W. P., 24th April, 1840, ... 79

Rate of remuneration for persons copying papers in the judges' courts. W. P., 31st July, 1840. 100

Fixing a uniform rate of remuneration to be paid to persons copying papers in the judges' courts. L. P., 4th September, 1840. 101

Form of the memorandum required by Circular Order No. 40 of this volume. L. P., 13th August, 1841, ... 159

NATIVES.

Native gentlemen of rank to be addressed by the authorities in a suitable manner. L. P., 19th November, 1841, ... 171

NATIVE JUDGES.

Allowances drawn by the native judges on account of stationery and establishment, should be *bona fide* appropriated to those purposes. L. and W. P., 2d March, 1838, ... 5

Forms of address to be observed by public functionaries in their correspondence with native judges. L. P., 6th July, and W. P., 7th September, 1838, ... 9

Officers on the establishment of native judges not to be dismissed by them, except on the score of misconduct or incapacity. L. P., 5th September, and W. P., 5th October, 1838, ... 29

Native judges are competent of their own authority to realize fines imposed by them under Clause 1, Section 18, Regulation X. of 1829. L. and W. P., 7th June, 1839, ... 37

Nos.

See Vakeels and Special Agents, No. 51.
See Copies of Papers, No. 58.

Rules to be observed, and mode of address to be adopted by native judges, when corresponding on matters of business with covenanted officers and natives of rank. L. and W. P., 16th November, 1839, ... 59

See Moonsiffs, No. 72.

Rules regarding applications from native judicial officers for promotion. L. and W. P., 6th March, 1840. 73

With reference to Circular, No. 115, dated 26th September 1834, and to the orders of Government thereto annexed, intimating that when native judges from sickness may have exceeded the authorized period of absence during the usual vacations, they are not liable to a deduction of salary for the entire period of absence. L. and W. P., 10th April, 1840, ... 76

Establishing a fixed rate of travelling for native judicial officers transferred from one district to another. L. P., 15th May, and W. P., 20th March, 1840, ... 84

Prohibiting the native judges from deciding undefended and other easy suits out of their course, and enjoining them to bring on depending cases for trial according to the order of their institution. L. P., 3d July, 1840. 91

Sections 10 and 12, Regulation XXVI. 1814, declared applicable to the courts of the principal sudder ameens and sudder ameens, but not to those of the moonsiffs. L. and W. P, 20th August, 1841, ... 163

PAUPERS.

See Copies of Papers, No. 56.
See Civil Courts, No. 170.

PERIODICAL REPORTS AND STATEMENTS.

See Moonsiffs, No. 1.

Prescribing a new form of statement of appeals to be substituted for that prescribed by the Circular Order of the 27th April 1832, No. 45. W. P., 8th December 1837, ... 2

Directing zillah and city judges to adopt and cause to be introduced into the subordinate courts the form of register of fines prescribed by the Nizamut Circular Order, No. 4, of the 5th January, 1838. L. P., 6th April, and W. P., 4th May, 1838, ... 6

Razeenamehs filed in the moonsiffs' courts not to be drawn upon stampt paper. Cases adjusted or withdrawn, or decided on a confession of judg-

Nos.

ment, how to be entered in the periodical statements. L. P., 20th July, and W. P., 3d August, 1838, ... 10

Authorizing entertainment of extra mohurrirs for keeping up the registers prescribed by Section 4, Regulation XVIII. 1793, and prescribing forms of registers. L. P., 10th August, and W. P., 23d November, 1838,..... 14

Rules for the preparation of the monthly and annual civil statements, with new forms. L. P., 7th, and W. P, 21st December, 1838,..... 28

Calling for an annual report on the register books. L. P., 8th March, 1839, ... 31

See Principal Sudder Ameens, No. 39.

Instructions in regard to entry in statement No. 1, part 1, of suits again brought on the file consequent on a summary appeal under Section 3, Regulation XXVI. of 1814, and Act XXII. of 1838. Mode in which additions are to be made to the appendix of Circular No. 28, vol. III. L. and W. P., 16th August, 1839,... 45

Instructions regarding a supplement to part 4, of the monthly statement, No. 1, for showing the dates on which records of suits disposed of are forwarded to the judge's office. L. and W. P., 20th September, 1839, (paras. 12 to 14,) 49

Directing, with reference to the concluding paragraph of the Circular, No. 49, dated 20th September 1839, that when principal sudder ameens decide no suits above 5000 Rs. in value, a note to that effect should be appended to the foot of the supplement to part 4, of the monthly civil statement, No. 1. L. and W. P., 28th February, 1840, ... 71

Directing an addition to be made to paragraph 4, of the Circular No. 10, dated 20th July, 1838, regarding the mode of entering in the periodical statements, suits in which verbal representations may be made by the plaintiffs or their vakeels, of their having abandoned the prosecution of the suit from any cause. L. and W. P., 11th October, 1839, ... 52

See Stamps, No. 60.

Communicating instructions for giving better effect to the use and object of the quarterly report of unanswered requisitions required to be made to commissioners, concerning execution of decrees, by the Circular Order No. 127, dated 12th December, 1834. W. P., 19th June, 1840, ... 88

Directing that the futwas and bewustahs, annually forwarded to the Court, and the certificates of principal sudder ameens appended to the monthly civil statements, be written on paper of English manufacture. L. P., 19th June, 1840,..... 89

Nos.

Prescribing an addition to the heading of column 2 of the quarterly statement required to be sent to the revenue authorities by Circular Order of the 12th December, 1834. L. and W. P., 6th November, 1840, ... 115

See Moonsiffs, No. 117.

Form of explanations regarding suits of more than a year's standing and period of submitting them; likewise those relating to miscellaneous cases. L. P., 15th January, 1841,..... 131

Prescribes form of exhibiting particulars regarding regular suits and miscellaneous cases of old standing. W. P., 20th February, 1841, ... 137

Directing the submission of a monthly return of judgments passed by the native judges, in which injunctions agreeably to Act VII., 1838, have been issued by the judge to revise the cases. L. P., 19th March, 1841, ... 142

Submission enjoined on zillah courts of quarterly returns of unexecuted decrees of the Sudder Dewanny Adawlut, and intermediate returns to precepts, issued in execution of such decrees, dispensed with. L. P., 2d April, and W. P., 7th May, 1841,..... 147

Notices result of enquiry regarding suits remanded for re-trial to lower courts, adverts to want of comprehension of correct principle in following that course, as instanced in various insufficient grounds, and especially two commented on, and prescribes monthly returns shewing particulars concerning suits sent back by remand for the future. W. P., 16th April, 1841, 149

See Principal Sudder Ameens, No. 156.

Maintenance of register book enjoined in judge's and principal sudder ameen's offices, for furtherance of the object of Circular Orders Nos. 147 and 156 of this volume. L. P., 20th August and W. P., 1st October, 1841, ... 162

PLEADINGS.

See Civil Courts, No. 129.

PRINCIPAL SUDDER AMEENS.

Communicating orders with reference to Act XXV. 1837. L. and W. P., 23d February, 1838,..... 4

Communicating an amendment of part of the Circular Order No. 4, 23d February, 1838, relative to appeals from decisions of the principal sudder ameens in suits above the value of 5,000 Rupees. L. and W. P., 6th January, 1840,..... 65

See English Documents, No. 52

Nos.

Rules regarding the proper course of appeal from orders passed by principal sudder ameens in cases referred to them under Sections 1, 4, and 8, Act XXV., 1837. L. and W. P., 5th June, 1838,... 8

Certificates forwarded by principal sudder ameens with their returns to the Court's precepts, not to be drawn out in English when those officers are not acquainted with that language. W. P., 20th July, and L. P., 10th August, 1838, ... 12

Principal sudder ameens not authorized to remand cases to sudder ameens and moonsiffs for retrial, without the sanction of the judge. Such cases how to be entered in the periodical statements. L. and W. P., 14th June, 1839, ... 39

Principal sudder ameens required to conform to the practice of the zillah court in forwarding their certificates of appeal, and in making their returns to the Court's precepts under Act XXV. 1837, substituting the vernacular for the English language. L. and W. P., 10th September, 1839,..... 48

Directing the principal sudder ameens to state in their proceedings, both in regular and miscellaneous cases, whether the suit is for an amount above or below 5000 Rs. L. P. 17th, and W. P., 31st July, 1840, ... 93

Directing the principal sudder ameens in cases tried under Sections 1, 5 and 7, of Act XXV. of 1837, to exhibit in a prominent and uniform manner, in the decree or final order, information regarding the amount of the suit. W. P., 31st July, 1840, ... 94

Applications from sudder ameens and principal sudder ameens, for leave of absence from their stations, on private affairs, to be submitted by the zillah judges to the Court of Sudder Dewanny Adawlut, instead of to Government, with a statement of pending business. L. P., 4th September, and W. P., 27th October, 1840, 103

Held that a principal sudder ameen is competent to order the imprisonment of a defendant in a suit above 5000 Rs., the judge merely issuing the necessary warrant to the jailor. L. and W. P., 18th September, 1840, ... 108

Instructions for the guidance of principal sudder ameens, regarding points at issue, and the drawing up of decrees. L. P., 8th January, 1841, ... 128

See Civil Courts, No. 148.

References to Government concerning principal sudder ameens and sudder ameens to be made henceforward through the Sudder Dewanny Adawlut. W. P., 3d September, 1841..... 166

Rule of Circular Order, No. 147, of this volume restated to be appliqable to principal sudder ameens, as regards cases before them of the kind described. L. and W. P., 16th July, 1841, 156

PROCESSES.

Mode of service and forms of processes under Act XXIII. 1840. L. P., 1st March, and W. P., 18th June, 1841, ... 140

PROVINCIAL PUNDITS.

Notifying the appointment of provincial pundits, as expounders of the Hindoo law to such zillah courts as may be embraced within their jurisdiction. W. P., 30th October, 1840,..... 113

Communicating instructions regarding the appointment of provincial pundits in the Lower Provinces. L. P., 11th December, 1840,..... 121

PUBLICATION OF SALE ADVERTIZEMENTS.

Caution against delay in the publication of advertizements for the sale of estates on account of arrears of revenue. L. P., 10th August, and W. P., 7th September, 1838, ... 11

PUBLIC PROPERTY.

Public functionaries bound to receive charge of public property when the officer in custody of it is prevented by any circumstances from retaining charge. L. and W. P., 23d November, 1838,..... 26

PUBLIC SERVICE.

See Funds, No. 159.

RECORDS.

Copies of proceedings in cases appealed to the Sudder Dewanny Adawlut, to be despatched within two months from receipt of Court's orders. Resolution of the Court for expediting the disposal of appeals to be made known to parties. L. P., 16th April, 1841, ... 150

The plan on which the records are arranged in zillah Cuttack, recommended for general adoption. L. P., 18th June, 1841, ... 154

Attention of civil authorities called to Circular Order, 29th July 1836, regarding the mode of forwarding original exhibits, &c., in appealed suits. L. and W. P., 8th October, 1841, ... 165

REGISTERS.

Instructions in respect to the entry, in the registers, of cases above 5,000 Rs. in amount, re-

Nos.

tained by the principal sudder ameens under paragraph 13 of Circular, No. 49, 20th September, 1839. L. and W. P., 20th December, 1839,..... 63

See Periodical Reports and Statements, Nos. 14, 31, 164.

REGISTRY.

Intimating that security bonds for the eventual payment of costs of suits may be registered under the provisions of Regulation XX. 1812. L. and W. P., 16th April, 1840,..... 77

REGULATIONS.

Correcting an error in the Persian translation of a portion of Article 7, Schedule B., Regulation X. 1829, regarding stamps. L. and W. P., 10th July, 1840,..... 92

Forwarding copies of an erratum to the Persian version of Regulation X. 1829. L. P., 11th December, 1840, and W. P., 4th January, 1841, 122

Error in Bengalee version of Article 41, Schedule A., Regulation X. 1829, rectified. L. P., 19th February, 1841, ... 136

REVENUE DEFAULTERS.

See Civil Courts, No. 62.

REVIEW OF JUDGMENT.

Communicating orders in regard to reviewing the decisions of a judge who has obtained leave of absence exceeding six months, and who is likely to remain absent in excess of that period. L. and W. P., 7th June, 1839,..... ... 98

SALES.

A decree-holder purchasing property brought to sale in satisfaction of his decree, may file his receipt for the amount of his claim in lieu of an equivalent amount of purchase money; provided the claims of other parties and the demands of Government for revenue, are not compromised. L. and W. P., 18th January, 1839, ... 30

See Construction, No. 105.

See Execution of Decrees, No. 83.

See Publication of Sale Advertisements, No. 11.

Rule regarding the mode of conducting sales in satisfaction of decrees when the property to be sold has on it the prior lien of a mortgage. L. and W. P., 8th September, 1840, ... 106

Nos.

In allusion to a practice of deductions being made by collectors, on account of revenue, from proceeds of sales made in satisfaction of decrees, under circumstances not authorized by the law, judges apprised that such practice has been prohibited by the Sudder Board's Circular, and enjoined to bring every instance of its occurrence in future to the notice of the Court. W. P., 23d July, 1841,..... .....156a.

Communicating a Circular of the Sudder Board of Revenue, which prohibits the deduction of revenue arrears from proceeds of sales made in execution of decrees. L. P., 15th October, 1841,..... 169

SEALS.

Intimating the despatch of seals for the principal sudder ameens and sudder ameens in the North Western Provinces. W. P., 20th November, 1840,..... 120

Forwarding seals for the courts of the principal sudder ameens and sudder ameens in the Lower Provinces. L. P., 18th December, 1840, ... 126

SECURITIES.

Instructions in regard to fixing the time within which appellants must file security for costs. L. and W. P., 12th July, 1839,..... 43

See Registry, No. 77.

SPECIAL AGENTS.

See Vakeels, &c., No. 41.

SPECIAL APPEALS.

See Appeals, No. 130.

STAMPS.

Calling attention to the printed Construction, No. 325, which prohibits the admission as evidence of unstampt obligations written in merchants' and bankers' books. L. P., 11th May, and W. P., 8th June, 1838, ... 7

Pointing out the consistency of the Circular, No. 7, 11th May 1838, and Construction No. 325, with Construction No. 592. W. P., 3d, and L. P., 31st August, 1838,..... 17

Directing that in future the stamps used in petitions of appeal which are remanded for further investigation, be forwarded to the collector for verification. L. and W. P., 10th May, 1839,... 34

See Native Judges, No. 37.

Nos.

Transmitting for information copies of correspondence regarding discontinuance of the practice of forwarding to the stamp office, for examination, petitions of plaint filed in suits adjusted by razeenameh. L. and W. P., 2d August, 1839, ... 44

Transmitting two forms of certificates in English and Hindoostanee applicable to occasions of refund of stamp duty. L. P., 6th December, 1839, and W. P., 16th January, 1840, ... 60

See Civil Courts, No. 64.

Providing for the protection of the interests of Government in respect to stamp duty in pauper suits before the moonsiffs. L. P., 12th June, and W. P., 24th April, 1840,..... 87

Rule regarding the value of stampt paper to be used for engrossing petitions of plaint, or appeal, or petitions from parties desirous of appealing *in formâ pauperis*. L. and W. P., 28th August, 1840,..... 99

See Moonsiffs, No. 160.

Rules for guidance of local courts, in cases where the plaint is written on inadequate stamp, or valuation of contested property is objected to. L. P., 20th August, and W. P., 3d September, 1841,..... 161

STATIONERY.

English stationery not to be charged for in contingent bills, but to be obtained by indent from the Government stores. L. P., 16th October, 1840, and W. P., 4th January, 1841, 111

Observations of the Military Board communicated, as to the best means of introducing reform and economy in the expenditure of stationery, and various points conducive to that end noticed by the Court. W. P., 7th May, 1841, ... 152

TREASURIES.

The charge of treasuries to devolve, in all practicable cases, on covenanted rather than on uncovenanted officers. L. P., 26th February, 1841, ... 138

TULUBANA.

Rules regarding the payment of tulubana in the courts of the moonsiffs. L. P., 28th August, and W. P., 18th September, 1840,..... 98

TRAVELLING.

Nos.

Transmitting copy of a letter from the Judicial Secretary to the Government, on the subject of travelling allowances to the amlah of officers in the mofussil, when on duty in the interior of their districts. L. P., 20th September, 1839, 50

See Native Judges, No. 84.

UNCOVENANTED SERVANTS.

Applications from uncovenanted servants for leave of absence. L. P., 7th June, 1839,..... 36

See Travelling Allowances, No. 50.

Circulating an extract from a despatch from the Honorable the Court of Directors relative to the imposition of heavy fines upon native servants of Government drawing small allowances. L. P. 7th, and W. P., 28th August, 1840, ... 95

Communicating the opinion of the Honorable the Court of Directors on the subject of natives employed in, and trained to the duties of, one department of the public service, being transferred to another. L. P., 16th October, and W. P., 5th November, 1840. 11

Representations addressed to the Government by the uncovenanted judges or other officers, relating to their services, to be forwarded by themselves through the public post. L. P., 30th October, 1840. 114

See Treasuries, No. 138.

VAKEELS AND SPECIAL AGENTS.

Remuneration granted to a special agent not recoverable, by a successful suitor, from the losing party. L. and W. P., 28th June, 1839,..... 41

Transmitting extract of a letter from Government, authorizing the extension of the provisions of Regulation XII. of 1833, to all the courts in the North Western Provinces, except those of the moonsiffs. W. P., 27th September, 1839, 51

See Government Pleader, No. 104.

Communicating instructions for the better enforcement of the provisions of Clause 3, Section 18, Regulation V. 1831, and Regulation XII. 1833, and for the allotment and distribution of pleaders in the courts of the judge, principal sudder ameen, and sudder ameen. L. P., 18th December, 1840, ... 124

WITNESSES.

See Evidence, Nos. 74, 85, 125.

FINIS.

THE

CIRÇULAR ORDERS

PASSED BY

THE COURTS OF

Sudder Dewanny Adawlut,

FOR

THE LOWER AND WESTERN PROVINCES,

AND

COMMUNICATED TO

The Civil Judges and other Civil Authorities of those Provinces.

VOL. III.

FROM 1838 TO 1842, INCLUSIVE.

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1843.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 25th February, } 1842.
Western Provinces, 1st January, }

No. 178.

Rules for defining the control exercisable by the zillah courts and Sudder Dewanny Adawlut in the matter of the ministerial establishments of the lower courts.

WITH a view of defining the general control of the zillah and city judges and Court of Sudder Dewanny Adawlut, to which arrangements connected with the ministerial officers of the courts of moonsiffs, sudder ameens, and principal sudder ameens, are by Section 12, Act XXV. 1837, declared to be subject, and of indicating the occasions and mode of its exercise in a precise and uniform manner, the Courts of Sudder Dewanny Adawlut, for the Lower and Western Provinces, have been pleased to establish the following rules.

1. The general power of control contemplated by Act XXV. 1837, Section 12, having been interpreted by Circular Order, No. 23, dated Lower Provinces, 5th September, and Western Provinces, 5th October 1838, to include the duty of preventing improper appointments as well as unjust dismissals of ministerial officers of the native courts, and to invest the judges with power to receive appeals from dismissed officers, and direct their restoration, if deemed expedient, the Court have resolved that, in order to the due and efficient exercise of such preventive and restraining power, a more certain and definite knowledge by the judges of the acts of the subordinate courts in this department, than can be afforded by mere occasions of appeal, is necessary.

2. It is accordingly notified, that, for the future, it shall be incumbent on moonsiffs, sudder ameens, and principal sudder ameens to report all appointments, dismissals, and changes of the ministerial officers of their courts, for the information of the judge to whom they may be subordinate.

3. On reporting any new appointment on their establishment, the native courts will submit to the judge a statement in the following form:

Name of person appointed.	Place of residence.	Age and caste.	Office to which appointed and how vacant.	Whether ever in public employ before and where.

Reports of changes from one situation to another on the same establishment, will always be accompanied by a brief statement of the reasons for which they are made.

Reports of dismissals will include a recital of the precise nature of the fault committed, and the reasons for considering the removal of the officer necessary.

Resignations will also be reported, with the grounds assigned for the step.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 7th January,
Western Provinces, 31st January, } 1842.

No. 179.

Rules for the guidance of the courts in cases where a party may file a deed on unstampt paper or on paper of insufficient value. Question not to be raised as to the authority under which a stamp has been affixed to any deed. On the admission of a special appeal, in a case decided on a deed written on unstampt paper or on an insufficient stamp, the case to be returned to the court of first instance to be restored to its original number.

IN modification of the rules contained in Construction No. 1161, and Circular Order No. 64, dated 3d January 1840, which are hereby cancelled, the Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces prescribe, for the future guidance of the courts under their respective jurisdictions, the rules which follow.

1. It is discretionary with a civil court to give a reasonable time to a party presenting a document requiring a stamp, but written on plain paper, to apply to the revenue authorities for the purpose of having it stamped.

The above is to be considered only applicable, as regards defendants, to the occasion of a defendant presenting such a document, on which his defence is founded or by which it is supported, when the ends of justice may appear to require the indulgence being granted, and, in respect to plaintiffs, to very special cases, as rare exceptions to the general rule, which should be to nonsuit a plaintiff, presenting a document of the above description, either as the ground of his claim, or in support thereof. Whenever the indulgence is granted, the special reasons for according it should be distinctly stated in a separate proceeding.

2. It is discretionary with a civil court to give a reasonable time to a party presenting a document bearing an improper stamp, to apply to the revenue authorities for the purpose of having the proper stamp affixed.

The above should be the general rule when such a course is thought necessary for the ends of justice, and the refusal to give time in such cases should form the exception.

3. The principle of the two foregoing rules and the remarks appended thereto are to be held applicable respectively to cases, in which documents written on plain paper or on stamp of inadequate value, may have been already filed.

4. The courts shall reject at once documents, presented in miscellaneous cases, of the sort described in rules 1 and 2, whether written on plain paper, or insufficient stamp.

5. A deed is admissible as evidence in a court of justice upon which the proper stamp has been affixed under the orders of any commissioner of revenue, on the representation of any collector subordinate to his authority.

6. It is not the province of the civil courts to decide upon the powers of the revenue officers in respect to each other; but if a deed, when presented to a court, bears the proper stamp, it should be received in evidence, without a question being admitted as to the competency of the authority by whose orders such stamp was affixed.

7. A special appeal having been admitted in a case originally decided on the evidence of a deed bearing an improper stamp, or requiring a stamp, but written on plain paper, the decisions of both the lower courts should be set aside, and the court of first instance directed to restore the case to its original number on the file, and, after exercising its discretion in regard to granting or not granting the party who presented the deed an opportunity of remedying the defect in it, in the mode laid down in rules 1 and 2, (as either may apply,) to dispose of the case accordingly.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 14th January, 1842.

No. 180.

Judges' attention called to former rule requiring specification, in references, of names as well as official designations of moonsiffs.

THE Court request the particular attention of the several judges to the rule in paragraph 8 of Circular Order No. 156, dated 6th November 1835, which is now much neglected, viz. that "whenever a judge has occasion to mention a moonsiff in an application for leave or otherwise, he will invariably designate him by name, as well as by his division."—The observance of this rule is especially necessary when the merits of an officer's conduct may be the subject of comment.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 14th January, } 1842.
Lower Provinces, 18th February, }

No. 181.

Cautionary order on the subject of pro-

AN instance of the destruction by fire, in the Goruckpore district, of the greater part of the records of pending suits in a moonsiff's court, having been the cause of much em-

viding secure place of deposit for records of pending cases in subordinate civil courts.

barrassment and delay, the Court call the attention of the judges to the importance of assigning a distinct place of deposit for the records of the subordinate courts, (which under the rule requiring the monthly transmission of suits decided by them to the judge's office, ought not to comprise more than the papers of cases under investigation,) with a view to their security from fire or other injury.

TO THE SEVERAL ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 28th January, 1842.

No. 182.

With reference to the adjustment made, of the rates of payment for service of processes, tables of distances of villages, &c. to be framed and suspended in the moonsiffs' cutcherries

THE result of the revision of the peon establishments of the moonsiffs' courts, and the settlement of the rates to be in future paid in each moonsiffship on this account, which were enjoined by Circular Order, dated 18th September, 1840, having been before the Court, they find that, by this revised arrangement, both the number of peons employed, and the sums demandable by them for serving processes have been adjusted, and reduced to a reasonable amount, and it is hoped that much abuse has by these means been effectually stopped.

2. In addition to the foregoing, the Court now direct that the judges will cause to be framed, with due care, revising it themselves before adoption, a table in the vernacular, for suspension in each moonsiff's cutcherry, shewing the computed distance of each village within the jurisdiction from the court station, and the number of days allowed for the issue of the process, calculated at the rate of 5 coss per diem. This table being exposed under the signature and seal of the judge, in each moonsiff's court, for general information, no mistake can thereafter occur, or extra demand be made.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 28th January,
Western Provinces, 21st March, } 1842.

No. 183.

Judges who may require moonsiffs to undergo examination, to give at least 15 days' notice to the committee.

THE Court are pleased to direct that judges, who may require moonsiffs to present themselves before the divisional committee for examination, in pursuance of the 10th section of the rules passed by the Supreme Government under date the 4th August 1840, shall intimate the same to the committee at least fifteen days before their next examination.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 4th February, } 1842.
Lower Provinces, 18th February, }

No. 184.
Rules regarding English documents filed in cases before native judges.

THE Court are pleased to prescribe the following rules in modification of the Circular Order No. 54 of the 18th (Western Provinces, 31st) October, 1839.

1. It is to be left to the option of the party filing an English document to accompany it with a translation, in the Urdu or Bengallee language; but the native judge, before whom the suit may be pending, is competent to call on such party to file a translation when it may seem to him to be wanted.

2. No question is to be entertained as to the correctness of any translation, if both parties agree to receive it as correct, or if the point on which the correctness is doubted be one not essential to the decision of the case.

3. The native judges are, however, to be at liberty to refer to the judge any doubt as to the accuracy of a translation on which they may wish to obtain his instructions.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 11th February, } 1842.
Western Provinces, 24th February, }

No. 185.
Forms of commission for the examination of absent witnesses, under Act VII. 1841.

THE Court are pleased to prescribe the subjoined forms of commission for use by all the civil courts when the examination of absent witnesses is to be taken under the provisions of Act VII. 1841.

2. Form No. 1 is intended to be addressed to ministerial officers of the court, or other persons who may be residing within the jurisdiction of the court.

3. Form No. 2 is to be addressed to a court of the district which may be inferior in grade to the court issuing the commission.

4. Form No. 3 is intended to be addressed to a court of another district, equal or inferior in grade to the court issuing the commission, or (in cases of doubt as to which is the most convenient) to the judge of such other district; or (under special circumstances) to any individual residing in such other district. In the event of the commission

being addressed to the judge, and that officer, under the discretion vested in him by law, deeming it expedient to direct the commission to a court subordinate to him, it will be sufficient for this purpose that he endorse on the original commission the following record.

To A. B., *Principal Sudder Ameen, Sudder Ameen, or Moonsiff of*—(as the case may be)

You are hereby authorized and directed to conform to the requisitions of this warrant of commission, making your return direct to the court issuing it. Witness my hand and seal of office, this day of &c.

5. Form No. 4 is to be used when the evidence of witnesses residing in Calcutta may require to be taken.

6. The Act permits examinations to be taken otherwise as well as upon interrogatories, but the Court are of opinion that in all practicable cases, interrogatories should accompany the commission.

7. The attention of the subordinate courts is to be called to this Circular.

FORMS.

No. 1.

In the Court of Dewanny Adawlut for the Zillah of ———

Ramnarain Sing, Plaintiff, *versus* Ramjeewun Doss, Defendant.

To A. B.

Whereas by an order dated the in the above cause, it has been directed that the evidence of C. D. and E. F., residing at , be taken by commission under the provisions of Act VII. of 1841, and whereas in pursuance of such order, you are appointed and required to take the evidence of the said witnesses. You are hereby empowered and required to take the examinations and depositions of the said witnesses, upon oath or affirmation as provided in Section 4 of the said Act, upon the interrogatories hereunto annexed,* which duty you shall perform truly, faithfully, and without partiality to any or either of the parties in this cause, examining the witnesses in the presence of the parties or their agents (if in attendance,) who shall be at liberty to question them on the

* Or, "on the points indicated in the annexed extract from the court's proceedings," as the case may be.

See C. O. No. 214, *infra*.

points specified, and returning this warrant of commission, together with* *the interrogatories hereunto annexed, and* the examinations of the said witnesses *thereon*, to this court, on or before the day of next.

* The words in italics to be omitted if interrogatories are not sent.

Given under my hand and the seal of this court, this day of 184 .

L. S. G. H.

No. 2.

In the Court of Dewanny Adawlut for the Zillah of ———

Ramnarain Sing, Plaintiff, *versus* Ramjeewun Doss, Defendant.

To A. B., *Moonsiff.*

Whereas by an order dated the in the above cause, it has been directed that the evidence of C. D. and E. F., residing at , be taken by your court under the provisions of Act VII. of 1841. You are hereby required to take the examinations and depositions of the said witnesses upon oath or affirmation as provided in Section 4 of the said Act, upon the interrogatories hereunto annexed;* which duty you shall perform truly, faithfully, and without partiality to any or either of the parties in this cause, examining the witnesses in the presence of the parties or their agents (if in attendance,) who shall be at liberty to question them on the points specified, and returning this warrant of commission, together with *the interrogatories hereunto annexed, and* the examinations of the said witnesses *thereon*† to this court, on or before the day of next.

* Or, "on the points indicated in the annexed extract from the court's proceeding," as the case may be.

† The words in italics to be omitted if interrogatories are not sent.

Given under my hand and the seal of this court, this day of 184 .

L. S. G. H.

No. 3.

In the Court of Dewanny Adawlut for the Zillah of ———

Ramnarain Sing, Plaintiff, *versus* Ramjeewun Doss, Defendant.

To A. B., *Judge of*

Whereas by an order dated the in the above cause, it has been directed that the evidence of C. D. and E. F., residing at , be taken by your court

under the provisions of Act VII. of 1841. You are hereby requested to take the examinations and depositions of the said witnesses, upon oath or affirmation as provided in Section 4 of the said Act, upon the interrogatories hereunto annexed,* the examinations to be held in the presence of the parties or their agents (if in attendance,) who shall be at liberty to question the witnesses on the points specified, and to return this warrant of commission, together with *the interrogatories hereunto annexed and* the examinations of the said witnesses *thereon*† to this court, on or before the day of next.

* Or, "on the points indicated in the annexed extract from the court's proceedings," as the case may be.

† The words in italics to be omitted if interrogatories are not sent.

Given under my hand and the seal of this court, this day of 184 .

L. S. G. H.

No. 4.

To A. B., *Commissioner of the Court of Requests, Calcutta.*

Whereas by an order dated the in the above cause it has been directed that the evidence of C. D. and E. F., residing at , be taken by your court under the provisions of Act VII. of 1841. You (or any or either of you) are hereby requested to take the examinations and depositions of the said witnesses, upon oath or affirmation as provided in Section 4 of the above Act, upon the interrogatories hereunto annexed,* the examination to be held in the presence of the parties or their agents (if in attendance) who shall be at liberty to question the witnesses on the points specified ; and to return this warrant of commission, together with† *the interrogatories hereunto annexed, and* the examinations of the said witnesses *thereon* to this court, on or before the day of next.

* Or, "on the points indicated in the annexed extract from the court's proceedings," as the case may be.

† The words in italics to be omitted if interrogatories are not sent.

Given under my hand and the seal of this court, this day of 184 .

L. S. G. H.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 11th February, } 1842.
Western Provinces, 1st March, }

No. 186.

Forms for use on the appointment of curators under Act XIX. 1841.

THE Court are pleased to prescribe the subjoined forms for use in cases under Act XIX. 1841.

FORM OF ENGAGEMENT OF CURATOR.

I, A. B., having been appointed by the judge of zillah , under the provisions of Act XIX. of 1841, to take temporary possession of the property of the late C. D.,

do hereby solemnly promise and engage diligently and faithfully to discharge the trust committed to me, and to act in every respect according to the instructions given me, and to the best of my judgment for the interest of the proprietors. I also promise to obey all orders of the judge, regarding the institution or the defence of suits, concerning or connected with the property committed to my charge. I further promise and engage to give acquittances for all sums of money collected by me, or debts or rents on account of the estate of the said C. D., and to render a true and just account for whatever may be received by me on account of the said estate, filing at the earliest practicable period an inventory of the property received by me, and also monthly in the judge's office accounts in abstract, and at the end of every three months, and on giving up possession of the property, accounts in detail of my administration of the said property. I further promise and engage to adhere strictly to such laws as may be passed, for the guidance of curators, by the Governor General in Council, and to such orders as I may receive from the judge, and to derive no personal advantage whatever, directly or indirectly, from the trust committed to me beyond the allowance granted to me as stated in my sunnud of appointment.

A. B.

FORM OF SECURITY BOND.

Whereas A. B. has been appointed by the judge of zillah , under the provisions of Act XIX. of 1841, to take possession of the property of C. D. deceased : I, E. F., do hereby engage and bind myself to stand security, and to be answerable for the faithful discharge of his trust by the said A. B., agreeably to the terms of his sunnud of appointment, a copy of which has been duly delivered to me. I also bind myself, my heirs and successors, not to sell, give, or otherwise transfer or dispose of the property mentioned in the annexed schedule, which I hereby pledge for the purposes of this engagement, until the conditions thereof have been completely fulfilled.

E. F.

SCHEDULE OF PROPERTY.

(To follow here.)

FORM OF SUNNUD.

Sunnud to A. B.

Whereas you, A. B., have been appointed under the provisions of Act XIX. of 1841, to take temporary possession of the property of the late C. D. You shall diligently and faithfully discharge the trust committed to you, and act in every respect according to the instructions given you, and to the best of your judgment for the interest of the proprietors; you shall obey all orders of the judge regarding the institution or the defence of

suits, concerning, or connected with the property committed to your charge. You shall further receive payments of debts and rents due to the estate of the said C. D., until otherwise ordered, such power of collecting debts however to cease on the granting of a certificate under the provisions of Act XX. of 1841, or in the event of probate or letters of administration to the estate of the said C. D., being granted by Her Majesty's Supreme Court of Judicature; and you shall give acquittances for all sums of money collected by you, as debts or rents, on account of the estate of the said C. D, and you shall render a true and just account of whatever may be received by you on account of the said estate, filing at as early a period as practicable, an inventory of the property received by you, and also monthly in the judge's office accounts in abstract, and at the end of every three months, and on giving up possession of the property, accounts in detail of your administration of the said property. You shall further adhere strictly to such laws as may be passed for the guidance of curators, by the Governor General in Council, and to such orders as you may receive from the judge, and you shall derive no personal advantage whatever directly or indirectly from the trust committed to you, beyond the allowance hereby granted to you of 5 per centum on the personal property and on the annual profits of the real property placed under your charge; and you shall exercise the power of curator under this sunnud until the determination of the summary suit now pending respecting the right to possession of the said property, or until otherwise ordered by this court.

SCHEDULE OF PROPERTY PLACED UNDER THE CURATOR.

(To follow here.)

TO THE CIVIL JUDGES IN THE LOWER PROVINCES AND THE AUTHORITIES IN THE EXTRA REGULATION PROVINCES.

Lower Provinces, 11*th February*, } 1842.
Western Provinces, 1*st March*, }

No. 187.

Forms for use on appointment of persons for collection of debts on succession under Act XX. 1841.

THE Court are pleased to direct that the annexed forms be made use of in cases coming under the provisions of Act XX. 1841.

FORM OF ENGAGEMENT OF A PARTY TO WHOM A CERTIFICATE IS GRANTED FOR COLLECTION OF DEBTS ON SUCCESSION.

Whereas a certificate has been granted to me by the judge of zillah , under the provisions of Act XX. of 1841, to collect the debts due to the estate of the late C. D., I promise and engage to give acquittances for all sums of money collected by me

as debts on account of the estate of the late C. D. I further promise and engage to adhere strictly to such laws as have been or may be passed by the Governor General in Council for the guidance of persons holding certificates for the collection of debts due to the estates of deceased persons.

A. B.

FORM OF SECURITY BOND.

Whereas a certificate has been granted to A. B. by the judge of zillah , under the provisions of Act XX. of 1841, to collect the debts due to the estate of the late C. D. I hereby engage and bind myself to stand security for the said A. B., and to be answerable for any sums realized by him under the certificate granted to him, which may legally be demandable from him under the provisions of Act XX. of 1841. I further bind myself, my heirs and successors, not to sell, give, or otherwise transfer or dispose of the property mentioned in the annexed schedule, which I hereby pledge for the purposes of this engagement until the conditions thereof have been completely fulfilled.

E. F.

SCHEDULE OF PROPERTY.

(To follow here.)

FORM OF CERTIFICATE.

To A. B.

Whereas in pursuance of the orders of this court dated the in the matter of the estate of the late C. D., this certificate is granted to you agreeably to the provisions of Act XX. of 1841. You are hereby authorized and empowered to collect all debts due to the estate of the said C. D., giving acquittances for all sums received by you.

You are further empowered to receive interest on Government notes and dividends, or on shares of any bank or parts thereof belonging to the said estate, and to negotiate such securities. You are also empowered to receive a share of such interest or dividends that may be due to the said estate, or to negotiate a share of such securities.

N. B. These clauses to be omitted when such power is not intended to be conferred.

You shall further adhere strictly to such laws as have been or may be passed by the Governor General in Council for the guidance of persons holding certificates for the collection of debts due to the estates of deceased persons.

L. S. *Judge.*

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 18th February, 1842.

No. 188.

Attention called to Construction No 714, which declares Sec. 8, Regulation VIII. 1831, applicable to claims regarding *exactions*, as well as *arrears* of rent.

DIVERSITY of practice having been found to prevail in respect to the applicability, or otherwise of Section 8, Regulation VIII. of 1831, to claims regarding *exactions* as well as *arrears* of rent, the Court notify that, on a late reconsideration of the subject, it has been determined by a majority of the Courts at Calcutta and Allahabad, that Construction No. 714, declaring the applicability of Section 8, Regulation VIII. 1831, to claims regarding *exactions* as well as *arrears* of rent, and consequently making such claims cognizable by moonsiffs as regular suits on one-fourth stamp, ought to be adhered to. Should, therefore, the practice obtain in any district of requiring claims regarding exactions to be brought on stampt paper of the full value, it must be forthwith altered.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 25th February, 1842.

No. 189.

Returns regarding investigations into security tendered by appellants to the Queen in Council.

I AM directed to transmit to you, for your information and guidance, the accompanying extract from the Court's proceedings dated 30th December 1836, on the subject of security tendered to this Court by appellants to the Queen in Council.

2. With reference to the Resolution of the Court, it has been the practice to forward to the zillah court the security tendered by an appellant to Her Majesty in Council, in order that it may be verified and returned to this Court,—the time given for such enquiry being six months,—frequent intermediate returns being sent to the Court, stating the progress made in the verification and ascertainment of the validity of the security.

3. In modification of the present practice, the Court intend in future to require by their precepts in such cases, a complete return on or before the expiration of six months, and to stay all intermediate returns, save one quarterly, in the English and Native languages, exhibiting what may have been done in each case, according to the form hereto annexed. This measure will save the time of the officers of the courts, Sudder and Mofussil, and relieve them of much unnecessary trouble.

4. At the same time the Court request that you will pay strict attention to this part of your duties, endeavouring in every instance to have the enquiries into the security completed at as early a period as possible, and taking care never to exceed the prescribed time. This is the more necessary as the order for the complete return to be made in six months will be peremptory and unconditional, and conveying no authority to the zillah

judge to enhance the time for enquiry; the application for which must in every instance be made to this Court. In the event of the enquiry not having been completed within the period allowed, you will state fully and specifically in your final return the cause of such incompleteness, shewing clearly the party to whose neglect it is to be attributed.

5. You will of course not consider the foregoing orders as precluding your transmitting to the Court any proceedings or reports that may be filed by the nazir, or other officer directed to make the enquiry, subsequently to the despatch of the return to be made within the period of six months.

Extract from the Proceedings of the Presidency Court of Sudder Dewanny Adawlut, dated 30th December, 1836.

A security bond for the payment of all such costs of suit as are likely to be incurred by the appeal (now fixed at Sa. Rs. 10,000*) shall be filed with the petition of appeal within six calendar months from the day of the date of the judgment or decree complained of; otherwise the appellant shall not be considered to have preserved his right of appeal. The security bond shall then be sent to the judge of the zillah, to ascertain that the same is good and sufficient, and a further period of six calendar months shall be allowed to the appellant for this purpose. If at the expiration of that period, the appellant shall not have satisfied the Court of Sudder Dewanny Adawlut, that the security is good, he shall be called upon to deposit in Court the amount of security required, in money or Government promissory notes, and in default of doing so within a further period of three calendar months, he shall be considered as having forfeited his right of appeal to the King in Council, under the provisions of Regulation XVI. 1797.

Form of Return to Precepts issued by the Sudder Dewanny Adawlut in cases of Security for Costs tendered by an Appellant to Her Majesty in Council.

1.	2.	3.	4.	5.	6.	7.
No. of case with date of decision of Sudder Dewanny Adawlut.	No. of precept with date of its issue.	Names of Parties.	Names of Sureties.	Detail of Security to amount to 10,000 Rs.*	Date and purport of intermediate return.	Date on which prescribed period of six months will expire.

* By the Court's Resolution, dated 25th November 1842, the amount of security has been fixed at Co.'s Rupees 25,000.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 11*th March*, 1842.

No. 190.

Rate of tullabana for serving processes, and number of days allowed for the service of the different descriptions of processes. Table of distances of villages, &c. to be framed and suspended in the moonsiff's cutcherries.

THE Court, having had before them the returns to the Circular Order of the 28th August 1840, regarding the rates of tullabana payable in each moonsiffship, and observing that there is great diversity in the rate of remuneration to peons serving processes, are pleased to direct, that, in future, payment shall be made, in all districts within their jurisdiction, at one anna and half per diem, which is now paid in the majority of the districts both of Bengal and Behar.

2. The peons are to be paid, besides the number of days required for going to and returning from the place where process is to be served, for two days in addition for service of every subpœna, process of arrest, and process of attachment, and one day in addition for service of every other description of processes.

3. The judges will cause to be framed, with due care, (revising it themselves before adoption,) a table in the vernacular, for suspension in each moonsiff's cutcherry, showing the computed distance of each village, within the jurisdiction, from the court station, and the number of days allowed for the service of the process calculated at the rate of 5 kos or 10 miles per diem, going and returning. This table being exposed under the signature and seal of the judge in each moonsiff's court, for general information, no mistake can thereafter occur or extra demand be made.

4. This circular supersedes all temporary orders that have been issued to the judges on the returns abovementioned.

TO THE SEVERAL CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 15*th March*, 1842.

No. 191.

Observance enjoined of provisions of Clause 2, Section 3, Reg. VII. 1825, in the conduct of judicial sales.

IT appearing, from several recent instances which have come before the Court, that many of the local civil tribunals, in sales held by them in execution of decrees or other judicial process under Regulation VII. 1825, entirely neglect observance of the provisions of clause 2, section 3, of that enactment, in respect to the proclamation of sale enjoined therein, both as regards *what particulars* such proclamation is to contain, and *how* it is to *be made* and *notified*, the Court beg the particular attention of judicial officers to the rules referred to, and desire that proper notice be invariably taken by the judges of all deviations therefrom on the part of the inferior courts.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 1st April, 1842.

No. 192.

The judges to abstain from recording any remarks calculated to lead to applications to the Sudder Court in cases not cognizable by it.

I AM directed to request that the judges will abstain from recording, on petitions presented to them, or in their proceedings, any remarks calculated to hold out encouragement to parties to apply to the Sudder Dewanny Adawlut in cases in which its interference is barred by the Regulations; the practice alluded to being manifestly improper, as having a tendency needlessly to occupy the time of the Court, and to put the applicants to much unnecessary trouble and expense.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 11th April,
Lower Provinces, 15th April, } 1842.

No. 193.

Construction No. 1068 superseded. The Company's rupee to be taken as the standard in questions relating to value of stamps, &c.

THE Sicca rupee having ceased to be a legal tender on the 1st January 1838, (Act XIII. 1836,) the Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces have been pleased to determine, in supersession of Construction No. 1068, that all questions regarding the value of stampt paper and the amount of suits cognizable by the different classes of native judges, shall be determined with reference to the existing, and not to the old currency. In accordance with this rule, the moonsiffs (for instance) will not have cognizance of suits in which the amount contested may exceed 300 Company's rupees, and the stamp required for a plaint in a suit for the sum abovementioned will be valued at 16 rupees.

TO THE CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 20th April, 1842.

No. 194.

Notice of civil courts called to instructional rules issued by Board of Revenue, N. W. Provinces, to collectors, for their procedure on receipt of requisitions for sale of lands.

THE Court request the attention of the civil authorities to a Circular Order of the Sudder Board of Revenue, dated 18th March last, and published in the Government Gazette of the 12th instant, conveying instructions how collectors of revenue should in future act on receiving requisitions from the civil courts to sell land in satisfaction of decrees; and as the observance by the collectors of these rules is calculated greatly to expedite the carrying out of orders of the courts, if met by corresponding promptitude in the judicial officers, the Court expect that the civil courts will sedulously promote their operation by

proper steps on their side. Ample means will now be provided for filling up the two final columns of the quarterly statement of unexecuted decrees forwarded to the revenue commissioners and the Court, heretofore often left blank, or containing the entry—"no reply from collector"; and the judges are strictly enjoined to attend to this point and to direct the notice of the native tribunals to this circular.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 27th April, 1842.

No. 195.

Intimation given of value of stamp required for petitions under Article 7 Schedule B, Regulation X. 1829.

A DIFFERENCE of practice being understood to exist in respect to the value of stamp on which petitions under Article 7, Schedule B, Regulation X. of 1829, are required to be written in the zillah and city courts, the Court intimate, in consultation with the Sudder Dewanny Adawlut at Allahabad, that such petitions, whether concerning matter before the zillah and city courts, *as such*, or as possessing the jurisdiction once held by the provincial courts,* should be engrossed on an 8 anna, and not a rupee stamp.

* Construction No. 880.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 2d May, 1842.

No. 196.

Applications to the Govt. of the N. W. P. for the grant of pensions to be forwarded through the S. D. A.

IN conformity to the orders of Government, the Court request that judicial officers, whenever they may have occasion to submit applications for the grant of superannuation pensions to persons subordinate to them, for the consideration and orders of Government, will forward them, with due observance of the forms prescribed in the pension rules, passed by Government under date 4th January 1831,† through the channel of the Court of Sudder Dewanny and Nizamut Adawlut.

RULES relative to the Grant of Superannuation Pensions to Subordinate Officers in the Civil Department, passed by the Government on the 4th January, 1831.

First. Superannuation pensions will be granted only to the superior classes of public servants indicated in the annexed list: inferior servants, sowars, armed or organized peons, including jamadars, and other ranks, lascars,* boatmen, artificers, laborers and menials, are to have no claim to such provision.

* Native seamen, in the Marine or Pilot Establishments at this Presidency, are not included within the provisions of these rules.

Second. With the exception of native judges and law officers, the applicant must have been employed in the public service for a period of at least twenty years.

† The Pension Rules referred to are subjoined.

Third. The public servant, whatever may have been the period of his service, must be incapacitated for further employment, by old age, protracted ill health, loss of sight, or other bodily or mental infirmity.

Fourth. The character, conduct, and past services of the public servant must be favorably certified by the officer or officers under whom he may have been employed, and must appear to be such as to entitle him to the favorable consideration of Government.

Fifth. Whenever it may be judged expedient to grant a pension to a public officer, whose case may come within the foregoing provisions, the amount of the pension shall be limited as follows:

1st. If the period, during which the individual may have been actually employed in the public service shall be more than twenty years, but less than thirty years the amount of the pension shall not exceed one-third of the monthly salary, or authorized official allowances of such individual, calculated on an average of five years previously to the date of the application for such pension.

2d. If the period of actual service shall have been thirty years or upwards, the amount of the pension shall not exceed one-half of the salary, or authorized allowances of the individual calculated in the manner above stated.

3d. For law officers and native judges, the period of 15 years shall be substituted for that specified in clause 1st, and 22 years for the term mentioned in the 2d clause.

4th. The rates of pensions shall be fixed on a graduated scale, within the prescribed limitations, with reference to the responsibility and arduousness of the employment, the degree of merit of the individual, and the nature and length of his service.

Sixth. A pension will hereafter be granted by Government to the family, or any member of the family of a deceased public servant, only when such servant shall have been killed in the execution of his public duty, or shall have died in consequence of wounds or accidents sustained therein.

Seventh. Should cases arise, which are not sufficiently provided for in these rules, or in which, from special circumstances, Government may be pleased to deviate from them in favor of a claimant to a pension, such pension shall be considered only as temporary and provisional, until the grant shall have received the sanction of the hon'ble the Court of Directors.

Eighth. Whenever an application may be made to Government, with a view of obtaining the grant of a pension, in favor of any officer employed in the public service, the application shall contain full and specific information on the following points:

1st. The name, class or caste, age, and proposed place of residence, of the individual for whom the pension may be solicited, the situation in which he may be employed at the time when the application may be made, the total period during which the individual may have been employed in the public service, and the various official situations in which he may from time to time have been so employed.

2d. The monthly amount of the salary or official allowances of the individual in question on an average of five years previously to the date of the application.

3d. The causes by which the individual may have been rendered incapable of discharging any longer the duties of his office, whether by extreme old age, protracted illness, loss of sight or other bodily or mental infirmity.

4th. His general character, conduct, and past services, in the official situations which he may have held.

Ninth. If the officer making the application shall be unable from his personal or official knowledge to supply the whole of the specific information above required, he shall call upon the individual, in whose favor the application may be made, to furnish a written statement (to be verified by his oath or solemn declaration if required) on such of the points above noticed as may be necessary.

Tenth. If the individual shall be rendered incapable of further service by protracted illness, loss of sight, or other bodily or mental infirmity, a medical certificate to that effect shall be also transmitted with the application.

Eleventh. Each application for a pension, under the foregoing rules, shall be made by the head of the office, under whom the individual recommended to be pensioned may be employed, in a letter addressed to Government, and accompanied by a register on a separate sheet of paper in the form hereto annexed.

Twelfth. Lapses of pensions shall be communicated to the civil auditor as soon as possible after the occurrence; and it shall be the duty of the several officers in charge of treasuries, from which pensions are paid, to appoint a proper person of their establishment to report all lapses to them, and along with themselves be responsible to Government for the fulfilment of this rule.

Thirteenth. No pension shall be payable in arrear for a period exceeding six months without the express sanction of Government, obtained through the civil auditor, unless the cause of the suspension of payment shall have been the neglect, order, or act of some public officer, and beyond the control of the pensioner, when the civil auditor on a reference being made to him, shall exercise his discretion in passing arrears for payment, or submit a representation of the case for the information and orders of Government as he shall consider proper.

Fourteenth. It shall be the duty of the civil auditor to exercise a vigilant control over this class of pensions as over all others, and with that view to bring to the notice of Government all instances in which in the granting of superannuation pensions any of these rules may be departed from, unless he shall be distinctly informed that a special exception has been made in the individual instance.

Fifteenth. It shall further be the duty of the civil auditor to lay before Government at the end of each official year, a statement exhibiting a comparison between the amount of pensions that have lapsed, and the amount of pensions granted during the year: and as a check against the fraudulent continuance of pensions beyond the actual term of the pensioners' lives, that officer shall from time to time compare the periodical decrement of life among the pensioners of each year, with the usual duration of life; and where lapses do not occur, in the proportion that might be anticipated, it shall be his business to institute such enquiries as may appear necessary to ascertain whether and in what particular instances fraud has actually been committed, and to submit to Government the result of his investigation.

List of the several classes of subordinate officers in the civil department, who under the foregoing rules are considered to have eventual claims to superannuation pensions from Government.

Registers, Head Clerks, and Accountants,
Indexers, Examiners, Readers,
Librarians, Record keepers,
Translators, Interpreters,
English and Native Writers, Moonshees, Jowabnuvees.
English and Native Accountants, Mohurrirs, Mootusuddees, Gomastahs. Karkoons, if drawing more than 10 Rs,
Head Treasurers,
Head Native Revenue Officers, Sherishtadars, Dewans,
Head Native District Revenue Officers, Tuhseeldars, Amildars, Peshcars, Ameens,
Heads of Districts, Police Darogahs,
Law Officers, Mauluvees, Cazees, Pundits, Mooftees,
Native Judges, Sudder Ameens, Moonsiffs,
Head Executive Officers of the Courts, Nazirs.

FORM REFERRED TO IN RULE ELEVENTH.

Register of an application for a Superannuation Pension from the Establishment of ———— *preferred under the rules passed by Government under date* ————

Name of the person by whom the Pension is applied for, with the name of his Father.	Number on the Establishment.	Identification of Applicant's Person.	Size.		Age of Applicant at the time of application.			Religion, Caste or Tribe.	Where residing.			Present employment.	Total period of service.		Date of application to Government.	Average Salary or authorized official allowances per mensem for the five years preceding the date of application.			Salary or authorized official allowance per mensem at the time of application.			Abstract of the grounds of application.	Remarks by the Head of Office.	Proposed amount of Pension per mensem.			Treasury at which the party, if pensioned, wishes to draw his pension.	Orders of Government.
			Feet.	Inches.	Years.	Months.	Days.		Province.	Pergunnah.	Village.		Years.	Months.		Rs	As.	P.	Rs.	As.	P.			Rs.	As.	P.		

(Signature of the head of the office.)

N. B. It must be understood that the Register is not to supersede the detailed information required by the Pension Rules.

TO THE CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 4th May, 1842.

No. 197.

Proclamation made of correct mode of valuation of certain suits for portions of estates.

AN erroneous practice having been found to prevail in several districts of valuing suits for portions of malgoozaree estates on the juma of the entire mahaul, instead of on a portion of the juma of the entire estate corresponding with the fractional share sued for, the Court, with a view of correcting the error and indicating the legal mode of valuation, promulgate the following proclamation in Urdu, to which judges are requested to give full publicity, and, in instances where the practice is at variance with its tenor, to amend it accordingly.

حکم اِشتہاریہہ کہ

حکام عدالت دیوانی صدر مقام الہ آباد کو دریافت ہوا ہی کہ اکثر اضلاع کے عدالتوں میں دستور ایسا ہو رہا ہی کہ جب کوئي مدعي کسي موضع یا علاقہ یا محال بند وبستي سے کہ جمع اُسکے سرکار میں مثلا ہزار روپیہ مقرر ہی کسقدر حصہ یعنے چہارم یا سوم یا نصف یا تین ربع کے نالش کرتا ہی تو جمع نالش اُس حصہ کے وہي ہزار روپیہ کل جمع موضع یا علاقہ یا محال جو کچھہ ہو قرار دیتا ہی حال آنکہ یہہ امر خلاف ضابطہ ہی اور ایسے مقدمات میں چاہئے کہ اگر موضع یا علاقہ یا محال جمع ہزار روپیہ سے دسویں حصہ کے نالش ہو تو رسوم اُسکے بجمع سو روپیہ اور اگر پانچویں حصہ کے نالش ہو تو بجمع دو سو روپیہ کے لي جاے لیکن جو ایسا نہیں ہوتا ہی اِس واسطے بنظر رفع ہونے اِس بیضا بطگي کے اور مطلع ہونے ہر خاص وعام اور بحکمان عدالت اضلاع کے

اِشتہار دیا جاتا ہی کہ جب کوئي کسي قدر حصہ کے کسی مؤضع یا علاقہ یا محال بندوبستي سرکار سے نالش کرے تب جمع اُس نالش کے اُسي حساب سے قرار دے جیسا اُوپر لکھا ہی یعنے اگر جمع مالگزاري مؤضع یا علاقہ یا محال کے ہزار روپیہ ہؤا اؤر اُس مؤضع یا محال یا علاقہ سے کوئی شخص آٹھوین حصہ کے ملکیت کي نالش کرے تو چاہئے کہ رسوم اُسکے بجمع سوا سؤ روپیہ کے معین کي جاے اؤر اگر چؤتھا حصہ کے نالش ہؤ تو بجمع دہائي سؤ روپیہ کے قرار دي جاے یعنے کاغذ اِستامپ عرضي دعوي کا اُسي قیمت کا ہؤگا جؤ واسطے نالش دعوي سوا سؤ اؤر دہائي سؤ روپیہ کے ہؤتا ہی اؤر جمیع مقدمات دعوي حصص زمیداري میں بابت جس قدر حصہ کے ہو اُسي حساب سے عمل میں آیا کرے فقط چؤتھی مے سنہ ۱۸۴۲ع

TO THE ZILLAH AND CITY JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 6th May, 1842.

No. 198.

Attention called to the C. O. No. 147, 2d April 1841, regarding quarterly statements of unexecuted decrees of the superior courts.

THE Court, having observed a want of uniformity in the quarterly statements of unexecuted decrees, submitted under Circular Order No. 147, of the 2nd April 1841, direct that you will adhere to the instructions therein contained, transmitting separate statements from each court before which the cases may be pending, and also designating the court whose decree is in course of execution—

Privy Council,
Sudder Dewanny Adawlut,
Late Provincial Court,

as it may be.

2. Many of the statements recently received, indicate that sufficient attention is not given to the preparation of them, nor to their examination, by the judges themselves previous to their being submitted, whereas the Court are of opinion that no duty of

greater importance devolves on the judges than the carrying out to completion the decisions that are passed.

3. I am therefore directed to call upon you to exercise vigilant control over your own amlah, and also the subordinate courts in a matter to which this Court attach so much weight.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 13th May, 1842.

No. 199.

Principle notified of calculating period of service to qualify for a pension under rules dated 4th January 1831. See C. O. No. 217, *infra*.

IT having been ruled by the Supreme Government, that the period of service passed in a grade in which the candidate is not eligible to a pension, cannot be reckoned as part of the prescribed term of service qualifying for a pension in a grade in which he would be eligible under the rules of the 4th January 1834, the Court, under orders from Government, request that, in the submission by officers of applications for pensions under Circular Order, No. 196, dated 2d instant, it be distinctly specified in what grades the service of the individuals has been passed, and what is the term of service in each grade, as enjoined in the first clause of the eighth of the Pension Rules, dated 4th January 1831, according to the annexed form. Periods, not entitled to be calculated according to the foregoing rule, are to be excluded.

2. The two new headings—"specification of service," and "period of service," should be substituted in the form for heading "total period of service," and the amount of pension recommended should be duly inserted according to the rule now communicated in connection with the Pension Rules of the 4th January 1831.

Specification of Service.	Period of Service.	
	Years.	Months.
'Total period of Service,.....		

TO THE ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 20th May, 1842.

No. 200.

Circular Order, No. 107, 18th September 1840, declared to apply to all monies deposited in moonsiffs' courts.

THE Court, observing that the wording of their Circular Order, No. 107, dated 18th September, 1840, appears to limit the application of the rule contained in it to the *proceeds of sales made in satisfaction of decrees* of the moonsiff's court, as remittable to the nearest tuhseeldaree cucherry and not expressly to include *other deposits*, point out to the judges, who are requested to intimate the same to the moonsiffs under them, that the above Circular applies to all monies deposited with moonsiffs,—the Circular, No. 82, dated 5th February 1833, of which it is a modification, having a similar comprehensive meaning.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 20th. May,
Western Provinces, 26th July, } 1842.

No. 201.

Additional rules regarding the examination of candidates for the office of moonsiff.

THE following additional rules regarding the examination of candidates for the office of moonsiff are published, with the sanction of Government, for general information.

1.* The chief magistrate of Calcutta and the judges of Patna, Moorshedabad, Dacca, and the 24-Pergunnahs, are authorised to grant certificates to candidates for moonsiffships, in the manner in which such certificates have heretofore been granted by the other authorities.

2. The principals of the several schools and colleges under the control of the Council of Education, are in like manner authorized to grant certificates to *bona-fide* students of their respective schools and colleges, such certificates to be countersigned by the judge of the zillah in which the school or college may be situated, after that officer shall have satisfied himself that the candidate is a fit person to be admitted to examination.

3. In addition to the usual remarks in the last column, all certificates shall bear on them the result of the judges' enquiries into the character and respectability of the candidates, together with any particulars relative to their family and connections which may seem worthy of notice.

4.* No certificates are to be granted but to persons who may be inhabitants of, or employed within, the jurisdiction of the officer granting it.

5. Persons under the age of 21 are not eligible to examination.

6. In renewing the certificates of persons who have already undergone examination, the judges are to mention in such certificates the number of times the candidates have been examined, with reference to which the Court will decide whether they will admit the candidate to re-examination.

7.* No certificates are to be granted, as at present, later than two months before the half yearly examinations, one month previous to which the judges of Patna, Moorshedabad, Dacca, and the 24-Pergunnahs will report to the Court the number of candidates whose names are registered for examination.

8.* Individuals, whose names are at the head of the list of candidates who have received diplomas, shall, on refusal to proceed to any station to which they may be appointed, have their names placed at the bottom of the list and wait their turn accordingly.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 27th May, 1842.

No. 202.

Nazirs of the principal sudder ameens' and sudder ameens' courts to give security, and the same to be annually revised by the judge and included in annual statement No. 9.

THE Court have determined that the nazirs of the principal sudder ameens' and sudder ameens' courts be required to give security, in the same manner as is required from that class of officers in the judges' courts. The security to be demanded from the nazirs of the principal sudder ameens, has been fixed at rupees 5,000, and that demandable from the nazirs of the sudder ameens' courts at rupees 1,000.

2. The security which may be given by those officers shall be annually revised by the judge, and a report of the same included in the annual civil statement, No. 9 of the Circular Order, No. 28, Vol. III.

TO THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 3d June, 1842.

No. 203.

Public covers ordered to be closed with gum, and marked with office stamp,

THE Court, observing that in several offices under their control, gum has already been substituted for sealing-wax in closing the envelopes of public letters, with the addition of an office stamp impressed upon the gummed part, direct that all the authorities

The 1st, 7th, and 8th of these rules were not circulated by the Western Court.

will henceforward relinquish the use of sealing-wax, and adopt the new plan, of an envelope gummed at one side and both ends, and marked with an office stamp or signet, which, while it is more convenient, provides as complete security against the clandestine opening of covers, as the wax impressed with a seal hitherto in use did.

Instead of sealed with wax, and use recommended of cloth bags for bulky packages of papers.

2. The Court further notice that risk of loss is incurred in the transmission by post of large packets under paper covers made of brittle country material, and that in fact hardly a week elapses without bulky packages arriving at this office with the paper cover broken, and the contents exposed to view, and ready to drop out. To obviate this, the Court invite the attention of officers to the use of bags made of "guzee," or the cloth called "American sheeting," for enclosing such papers, instead of country paper; according to the mode now followed in the post office department, for particulars of which officers are referred to Circular Order of the post master general, North Western Provinces, dated 8th December 1841, a perusal of which they may obtain from the post master of their station.

TO THE ZILLAH AND CITY JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 10th June, 1842.

No. 204.

Reports of vacancies in office of Government pleader of zillah courts to be made by judges to revenue commissioners for submission to Government.

THE Court notify, by desire of the Government, that, in future, on the occasion of a vacancy occurring in the office of pleader of Government in any of the zillah courts, judges will report the same to the commissioner of revenue of the division in which their district lies, instead of making their report direct to the secretary's office, in order that the commissioner may be thus enabled to furnish Government with the report required by clause 3, section 4, Regulation XIII. 1829, as to which of the constituted pleaders of the court is best fitted by qualifications and character to succeed to the vacant office.

TO THE SEVERAL AUTHORITIES IN THE LOWER PROVINCES.

Lower and West Provinces, 10th June, 1842.

No. 205.

Rules prescribed for the guidance of the civil courts, showing the principle on which summary enquiries should be made by the courts into objections to sale of property in execution of

WITH a view to define and fix the practice of the judicial tribunals, in disposing of cases involving objections to the sale of property in execution of decrees, the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad, have determined on adopting the following rules, hereby prescribed for the guidance of the courts.

I. The objections usually brought forward to the sale of property, moveable and immoveable, in such cases, are of three kinds.

decrees, and denoting the occasions when such course should be followed.

1st. That the property advertised for sale is already mortgaged to the objector.

2nd. That the party liable for the claim in satisfaction of which the property is advertised for sale, has only a limited interest therein, there being other shareholders, including the objector, and the property being undivided.

3rd. That the party liable for the demand has no interest whatever in the property attached and advertised for sale, never having possessed any, or whatever interest he or his ancestors may have enjoyed therein having been previously transferred by them either to the objector, or other party from whom he may have derived the right, by a deed of sale, gift, or other mode of absolute conveyance.

II. It has been already ruled, as regards the first class of objections, in Circular Order, No. 106, dated 4th September 1840, that no summary investigation is to be made into the claim of the mortgagee, the auction purchaser standing in precisely the same position to the property after, as the mortgager did before, the sale, and the rights and interests of the mortgagee being in no way affected by such sale. It was at the same time provided that the existence of such prior claims should, time permitting it, be made known by the auctioneer to the bidders at a sale.

The principle which governs this rule is, that the objector does not deny the fact of the defendant having some right and interest in the property, so that the result of any investigation which should be made would not be the total prohibition of the sale, but simply the determination of the extent of the objector's right and the validity of his lien, which cannot properly be effected by summary enquiry.

III. A similar principle will guide the disposal of objections under the second head, viz., where the objector may claim to have a share in the property attached and advertised for sale, and may pray that such share be exempted from sale, and that the sale may be restricted to the share of the person liable for the demand in satisfaction of which the property has been advertised for sale.

The courts will, therefore, refuse to take cognizance of such objections, with a view of determining, in the miscellaneous department, the specific amount of the share in the property advertised for sale, of the party liable for the demand, as well as of the objecting parties, in order to the restriction of sale to the share of the former, and the exemption from sale of the share or shares of the latter; since the rights and interests only of the party liable for the demand being sold, such sale cannot affect injuriously the rights and interests of any other shareholders in the property. In such cases, also, intimation should be given by the auctioneer at the time of sale of the claim brought by the objector or objectors to the property.

IV. With respect to the third class of objections, viz, claims founded on unconditional purchase, or other absolute acquisition of the property put up for sale, the plea

advanced being that the latter is not the property of the debtor, the Courts have ruled that such claims *should* be made the subject of a summary investigation, because on the result depends whether the contemplated sale shall take place at all or not. The principle, however, which will govern all such enquiries shall be that *possession* is the sole point to be looked to and determined in the miscellaneous department, and that, should the possession of the objector or claimant prior to the attachment of the property or advertisement of sale be satisfactorily established, sufficient ground will be held to exist for stopping the sale, without enquiry into the validity of the alleged title; any dissatisfied party being left to bring a regular suit.

V. It must be expressly borne in mind that sales of the description contemplated convey to the purchaser nothing beyond what was enjoyed at the time of sale by the person whose interests are sold; and the court, in the execution of its process, will only place the purchaser in the position, with respect to the thing sold, in which it found the defendant.

VI. The above rules will be considered equally applicable to moveable and immoveable property.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES AND THE CIVIL AUTHORITIES IN THE EXTRA REGULATION PROVINCES.

Lower and Western Provinces, 20th June, 1842.

No. 206.
Order of Government promulgated, prohibiting native judges and law officers from trading.

THE Court are pleased to republish, for general information, the subjoined notification of Government dated 29th December 1835, interdicting the engagement of the native judges of all grades and of the law officers of the courts, in any trading speculations; and they request the judges will direct, to that order, the particular attention of all the officers concerned.

NOTIFICATION.

JUDICIAL AND REVENUE DEPARTMENT,

THE 29TH DECEMBER, 1835.

The principal sudder ameens, sudder ameens, and moonsiffs, and the Mahomedan and Hindoo law officers of the zillah and city courts, and of the Sudder Dewanny Adawlut under this presidency, are hereby prohibited, under pain of dismissal from office from being engaged in any trading speculations.

If any principal sudder ameen or other of the officers above mentioned shall be now engaged in trading speculations, or any such speculationm shall devolve on him by inheritance, it shall be incumbent on him, within one month, to make known the circumtance to the zillah or city judge, or to the register of the Court of Sudder Dewanny Adawlut, and terminate his connection with such transactions at the earliest practicable period. Should he be unable to do so, within one year, he shall either resign his situations, or submit a report of the circumstances of the case to the judge or register who will forward it to the Government or Court of Sudder Dewanny Adawlut, as the confirmation of the officer may be vested in one or other of those authorities, with his own opinion as to the propriety of allowing the officer a further period for the purpose of bringing his transactions to a close. If any of the officers above mentioned shall fail to conform to the above rule, the same penalty shall attach to him as if he had engaged in trade subsequent to the publication of this order.

Candidates for any of the offices above mentioned shall certify in their applications that they are not engaged in any trading speculations; and in the event of their being appointed, and of its being subsequently discovered that they were so engaged at the time of making their application, they shall be liable to be dismissed from office.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 24th June, 1842.

No. 207.

References regarding chemical questions and operations to be made to the professor of chemistry.

PUBLIC officers are hereby informed that a rule has been established, under directions of the Supreme Government, for all references regarding chemical questions and operations on account of Government being made direct to the professor of chemistry, medical college, Fort William, who is privileged to issue and receive letters connected with his department free of postage.

TO THE SEVERAL CIVIL JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 24th June, 1842.

No. 208.

Observations on the nature of the tenures of land in the N W Provinces, and rules to provide for the decision of claims to land with due reference to those tenures.

THE Court of Sudder Dewanny Adwalut have, for some years, been impressed with the necessity of the adoption of measures for remedying the injury to which landed estates are exposed by decisions of the several judicial tribunals, relative to property therein, passed without due reference to the actual state and constitution of those estates, and to the nature of the interests of which they are composed, and the tenures by which they

are held, and for obviating, at the same time, the inconvenience and expence to all parties concerned, and the necessary compromise of the position and character of our courts caused by the passing, and issue of orders for carrying into effect, decisions which are from their very nature, with reference to the characters of the property affected by them, impossible of execution.

2. Much correspondence between the Government, the Court, and the Sudder Board of Revenue, has taken place on this subject; and lately a conference has been held by the two latter authorities to consider the question in all its bearings, and to ascertain the extent to which the evil has been experienced, and devise, if possible, suitable remedial measures.

3. The Court are induced to believe, upon full deliberation, that if, as is stated, the late revenue arrangements for the revision of the land settlement in these provinces have led to the preparation of a record, available to all parties interested, of the minute details of the tenure of every estate and village in the several zillahs, it is only necessary that the various courts of first instance should be particular in enforcing an observance of the rules laid down in the existing regulations regarding the drawing of plaints, and the examination of claims, to obviate in a great degree, if not entirely, the evil complained of.

4. It has been distinctly declared by the Board of Revenue that the landed tenures in these provinces are classable under the three heads of *pure zemeenduree*, *pure putteedaree* or *bhyachara*, and *mixed putteedaree*. These tenures are defined, and their incidents explained in paragraphs 199 to 203, both inclusive, of the Board's settlement circular; many of the *two latter* descriptions of tenures are liable to the additional incident of a state of intermixed possession, which is explained in paragraphs 225 to 237, both inclusive, of the same circular. It is understood that each judge possesses the means of reference to this and the other printed circulars of the Board, having been supplied with a copy from that authority.

An Urdu copy of the Sudder Board of Revenue's *settlement* Circular No 1, has been sent direct from the Court to each zillahjudge. Extracts of the same, including the paragraphs noted, should be communicated to each judicial officer by the judge.

5. It will be seen that the first of the above classes very nearly corresponds with the usual holding of tenants in common, as defined by English law. Every sharer has an equal proportionate right throughout every part of the estate, the rents are collected in common, and, after payment of the Government revenue and charges, the surplus is divided among the proprietors in the proportion of their fractional shares. In cases of this class, the Court observe the claim is correctly brought and the suit tried and decided, as a claim for a proportionate share of the whole estate, as 1-4th, 1-8th, 1-15th, or 1-100th part, as it may happen. When the revenue authorities are required to execute a decree passed in such a case, it is obvious that no difficulty will be experienced. The collector has simply to make it known to the parties in possession that the plaintiff is to be acknowledged as the owner of the proportionate share awarded him, and is entitled to, and

will henceforth derive the privileges and emoluments attached to his adjudicated share of the entire property.

6. Or if it be desired and ordered by the court that plaintiff's share be made over to him in separate possession, the collector has only, in conformity to the provisions of Regulation XIX. 1814, to select from the whole area, in one continuous tract, such an extent of soil, as with reference to its present produce and capabilities, may be considered fairly to represent the fractional share of the plaintiff, which process the complete map and register said to exist, of every field and every uncultivated parcel of ground included in every mouzah in these provinces, will enable the collector to perform with much facility and expedition, and in most instances probably without having recourse to a re-measurement.

7. But it is manifest that a far minuter detail is required in drawing plaints regarding proportional shares in mouzahs held under tenures of the *second* and *third* classes above noted, viz., a pure putteedaree or bhyachara tenure and mixed putteedaree, and that when these minutiæ are unobserved, and decrees are given on the pleadings now usually filed, without advertence to the specific nature of the tenure, the greatest difficulty, amounting in fact to impossibility, is encountered in attempting their enforcement.

8. The reason of this is (to quote from the Board's address to Government on the subject) that "there is no community of possession in lands of this kind, which are not "inherited, transferred, or possessed in *common*, but in *severalty*. Therefore the rules "which relate to lands held in common cannot apply to them either as regards possession "or partition. The difficulty found is to put one party out of possession of land held in "severalty, and to put another party in, without a clear order as to who is to be ejected, "from what land, and in whose favor. It is also impracticable to divide an estate of "which the lands are held in severalty into proportional parts, such a division being "contrary to Section 30, Regulation XIX. 1814.

"The whole mouzah is made up of independant freeholds, each freehold not con-"taining one continuous tract, but made up of fields scattered about and intermingled "with the fields of other proprietors, so that it generally happens that if one proprietor "own *ten* fields, each of those fields will be surrounded by the fields of other proprie-"tors, and it is rare for two fields of one proprietor to lie together. It often happens in "bhyachara mouzahs that the fields are possessed by men of several different communi-"ties, of distinct families and tribes, having no interest, either actual or contingent, in "common, and no concern with each other, but that of holding fields within the bound-"ary of the same township, residing in a part of the same hamlet, and paying, through "either a common or separate representative, their portion of the juma assessed on the "whole mouzah."

9. The Board further remark, with great justice, that "in such a case as this "where the land has been held, time immemorial, in clear separate possession, a party "claiming to eject the present possessor, and to occupy in his stead, must shew what are "the actual fields to which he lays claim, and must prove, in respect to each, a title "superior to the person's who holds it. Plaintiff must shew, moreover, that he either "has held possession of those fields within the term beyond which the law will not allow "the right of a possessor to be called in question, or he must establish by evidence such "facts as will entitle him under the law to sue notwithstanding the lapse of time. To "prove that he holds a certain position in descent from a certain remote ancestor is to "prove nothing, unless he can show cause for suing after a period beyond which the law "forbids suit to be brought. The nature of the claim and of the evidence required to "establish the claim is changed entirely by the different nature of the tenure. A decree "in this latter case cannot be given, or, if given, is nothing worth, if it be in the terms "of a title to a certain proportion of the entire area of the mouzah. The mouzah as "before said, contains many unconnected properties, and it is necessary distinctly to "declare of what lands the plaintiff is to receive possession, and who is to be displaced to "make room for him."

10. The Regulations require that every plaint shall contain a distinct and specific statement of the nature of the claim preferred, and the grounds on which it is based, and that, before entering on the investigation of any case, the exact points to be proved by the parties shall be ascertained and recorded, and the object of the present order is to impress upon the courts of first instance the necessity of observing, and strictly to enjoin observance of, those rules.

11. As respects the means at hand of so doing, the Court are assured by the Sudder Board that the records of the present settlement to be found in the collector's office, supply ample materials for enabling suitors to draw their plaints as above laid down. The Board state in their address to Government, already noticed, that a map exhibiting the exact position of each field composing every property, and a register of the number of fields and measurement of each, as held by each proprietor, and of the contribution leviable on them towards the Government juma of the whole mouzah, form a part of the settlement record of every mouzah. Any suitor, on application, may obtain a copy or extract of these documents, and may therefore lay before the court in the clearest way his claim, and define by their numbers the very fields he claims. and state by whom they are occupied.

12. A list can also at any time be furnished to every judge (by the collector) shewing the constitution of every mouzah within his jurisdiction, whether held in common tenancy (zemeendaree,) or subdivided and held in severalty (pure and mixed putteedaree.) The village record of mutations kept in the collector's office will also shew what changes of possession have occurred since settlement.

13. With reference to the foregoing explanatory detail, the Court prescribe, for the guidance of civil courts, the following rules to be in force, generally, in respect to their other provisions, but as far as they relate to the *settlement record*, and to the fulfilment of any requirement for which a reference to that record is needed, only in districts of portions of districts in which the settlements have been revised under Regulation IX. 1833, on the collector annually certifying to the judge that the settlement record and papers referred to therein, have been prepared in conformity to the Board's orders, and that they have been examined and found correct up to the 1st January of the current year.

RULES.

1. Every plaint regarding the right and possession of land shall in future be required to include a specification of the nature of the tenure on which the land sued for is held, viz., to which of the three classes of *zemeendaree*, *pure putteedaree* or *bhyachara*, and *mixed putteedaree*, it belongs. Any petition of plaint which fails to give these particulars will be nonsuited by the courts.

2. If the suit be for a specific portion of an estate held in pure zemeendaree, the plaint shall indicate whether claim is made for the *division* and *separation*, or merely for the recognition of the share sued for; in the *latter* case, the decree (if the claim be proved) shall direct that plaintiff's name is to be recorded in the collector's books with those of other holders, so as in no way to interfere with the management of the collections of the estate made through the sudder malgoozar.

3. If the suit be for land held in pure or mixed putteedaree, the plaint shall indicate the actual fields or parcels of land claimed, including among the defendants the occupiers of those fields, and shall be accompanied by extract from the village field map, shewing the numbers of the fields sued for, and who are the recorded occupants according to the settlement record. In cases of imperfect putteedaree, the plaint shall also set forth any privileges sued for by plaintiff as incident to the claim, and the decree (if the claim be proved) shall include the same order as that noted in Rule 2.

4. The plaint, in all claims for land of whatever tenure, shall further particularize the exact grounds of plaintiff's claim, and in what respect his title is superior to that of the party or parties sued; it must state when he lost possession of the land sued for (if he have had previous possession) and, should he have had no possession for twelve years, it must shew how his claim is admissible under the law of limitations.

5. It will be the duty of the courts of first instance, to require from the plaintiff distinct proof of the several points noticed above, and, in decrees for land held under the two latter tenures, the decision must in each instance particularize the actual portions of

and described in the pleadings, which it decrees to the plaintiff, with the grounds on which the award is based.

6. Copies of such extracts from the settlement records as may be needed to file with any plaint will be furnished to parties in the usual way on application to the collector.

7. As regards unexecuted decrees already passed for lands held in severalty, but in respect to which the above rules have been unobserved, the courts will use their best endeavours towards the enforcement of such decisions, as far as possible; but should the collector shew to the satisfaction of the judge that there exists no common holding to meet the requirements of the award, the decree must be pronounced incapable of execution, and struck off the file, the parties being allowed to bring fresh suit under the present rules for the precise thing claimed.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE BENGAL DISTRICTS.

Lower Provinces, 24th June, 1842.

No. 209.

Attention called to the 7 h rule of the C. O 5th July 1839, No. 42.

IT appearing that proceedings in Bengallee are occasionally sent to authorities of districts where Urdu is the vernacular, I am directed by the Court to request that you will strictly conform to the 7th of the rules circulated on the 5th July 1839, which relates to correspondence with other districts.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 24th June, 1842.

No. 210.

Signature of uncovenanted judges to public documents.

IT having been brought to the notice of the Court that some of the native judges sign their proceedings in English, sometimes employing initials instead of signing their names in full, the Court are pleased to prohibit the practice in question, and to direct that all uncovenanted judges will sign their names to official documents in the character of their own language, and in full instead of merely employing initials.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 1st July, 1842.

No. 211.

Rule for the insertion, by appellants to the Sudder Courts, in petitions of appeal, of the names of all the respondents.

THE preparation of cases in the Sudder Dewanny Adawlut for hearing is often delayed by the omission of parties to insert in their petition of appeal, whether presented to the local courts, or to the Sudder Court, the names of *all* the respondents, (some of whom are referred to by the words "Oghyra," "and others,") and the consequent inability to issue the prescribed process on the whole of them. As such practice is opposed to the rule of Section 10, Regulation VI. 1793, (Clause 3, Section 10, Regulation V. 1803, for

the ceded provinces), petitions of appeals deficient in the respect adverted to must be considered as incomplete and inadmissible under the regulations, and not to be acted upon as in any way having the effect of a petition of appeal, with reference to the calculation of the period allowed for appeal.

2. Whenever, therefore, in future an appellant shall omit the names of any persons who were opposed to him in the lower court, (without stating grounds for such omission,) he shall be allowed to supply the defect within the period of appeal, but in the event of neglect so to do, his appeal shall be rejected as incomplete.

3. The judges and principal sudder ameens, to whom such incomplete petitions of appeal may be presented, for transmission to the Sudder Court, will apprise the parties of the foregoing orders.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 1st July, 1842.

No. 212.

Nominations for succession to office of law officer of zillah courts in the N. W. Provinces, to be sent up in future to Government through the Court.

AGREEABLY to a desire expressed by Government, the Court direct that, in future, nominations for succession to the office of law officer of the zillah courts be forwarded through the channel of the Sudder Dewanny Adawlut, for submission to Government under Clause 2, Section 4, Regulation XI. of 1826, with copy of the nominee's certificate of qualification, and with a nomination roll filled up according to the annexed form.

***FORM** of nomination of the Mahommudan Law Officer, for Zillah ——*

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
Vacant office.	How vacated.	Name of the person nominated, with the name of his father.	Age.	Religion and Caste.	Family residence, viz. Town or Village, Pergunnah and Zillah.	Statement of past employments, whether in the service of Government or individuals; if in the service of Government by what Officer originally appointed and by whom subsequently promoted.	Statement of landed or other property belonging to him, and where situated.	Proposed residence and jurisdiction.	Statement of qualification and knowledge of Persian, Bengalee or English language, &c. &c. &c.	Certificate that the nominee is not disqualified by any Regulation; and general remarks.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 8th July,
Western Provinces, 6th August, } 1842.

No. 213.

Applications of uncovenanted judges, for expositions of Hindoo and Mahomedan laws, how to be made.

IT is notified that all applications to the Mahomedan and Hindoo law officers, for legal opinions in civil suits pending in the courts of the uncovenanted judges, should be made to them direct, by roobakaree, and not by perwannah.

2. Judges are requested to inform the subordinate officers accordingly.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 8th July,
Western Provinces, 6th August, } 1842.

No. 214.

Instructions regarding commissions to the Court of Requests for examination of witnesses in Calcutta, under Act VII. 1841.

THE Court are pleased, at the request of the commissioners of the Court of Requests, to prescribe the following rules to facilitate the examination of witnesses residing in Calcutta. (Circular Order, No. 185, paragraph 5.)

1. The party on whose behalf a commission is issued to the Court of Requests, for taking the depositions of witnesses, is to appear in that court personally or by a duly constituted mookhtyar, to point out the witnesses and to pay the usual fees of that court for subpœnas.

2. In failure of this within a reasonable period, the Court of Requests will at their discretion return the whole of the documents received from any zillah.

3. The interrogatories and other papers are to be written in a plain intelligible style, and transcribed in a fair and legible hand.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 8th July,
Western Provinces, 26th August, } 1842.

No. 215.

Investigation of objections to execution

I AM directed by the Court to transmit to you, for your information and guidance, and for communication to the principal sudder ameen, a copy of a resolution dated 4th July 1834,

of decrees of the S. D. A.

regarding the local investigation of objections which may be urged against execution of decrees of the Sudder Dewanny Adawlut in certain cases.

Resolution of the Presidency Court of Sudder Dewanny Adawlut, dated the 4th July, 1834.

Present:

R. H. RATTRAY,
H. SHAKESPEAR,
W. BRADDON,
C. R. BARWELL, and
T. C. ROBERTSON, ESQRS,
Judges.

The Court have been pleased to adopt the following rule of practice to simplify the process for the execution of decrees issued from this Court.

Whenever it may be necessary under any of the circumstances stated in Clause 8, Section 15, Regulation XXVI. 1814, to issue a notice calling on the party against whom execution is sued to show cause why it should not be executed, it will be sufficient to direct the zillah or city judges to issue the required notice. If no objections be made by the party against whom execution is sued, the zillah or city judge will proceed to execute the decree in the usual manner, without further reference to this Court. Should any objection be urged, the judge will make the necessary investigation, reporting the result for the orders of the Court, and staying further proceedings in execution pending the reference.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 8th July,
Western Provinces, 30th September, } 1842.

No. 216.

Register of ministerial officers of the judges' courts dismissed for misconduct.

I AM directed by the Court to request that whenever any of the ministerial officers attached to your court, receiving a salary of not less than 10 rupees a month, may be dismissed from the public service for misconduct, a report of the same be submitted, according to the annexed form,* with a view to a register of their names being kept in this office, in conformity to orders recently received from the Honorable the Court of Directors.

* This form contains the additional column prescribed by the C. O. No. 237, infra.

2d. An extract from the register will be forwarded to you annually, to enable you to guard against the admission of improper persons in the public offices.

Ministerial Officers of the Civil Court of Zillah ——— dismissed from office for misconduct.

1. Name of the Employee.	2. Name of his Father.	3. Office held by him.	4. Cause of Dismission	5. Date of Dismission.	6. Description of his person.	7. Remarks.

THE SEVERAL CIVIL AND CRIMINAL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 11th July, 1842.

No. 217.

Specification enjoined of rate of salary drawn by applicants for pensions in the several grades of official service through which they may have passed.

WITH a view to the due observance of the principle contained in the Circular Order No. 199, dated 13th May 1842, for determining the period of service of public subordinate officers applying for pensions under the rules of the 4th January 1831, the Court request the careful attention of the civil and criminal authorities to the list of the several classes of subordinate officers who, under those rules, are considered to have eventual claims to superannuation pensions from Government, and direct that in all applications for pensions, the rate of monthly *allowance* or *salary* drawn by the applicants in the several appointments filled by them during their official career, be inserted in the column headed "specification of service," in addition to the denomination of the several grades of office they may have filled.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 15th July,
Western Provinces, 22d August, } 1842.

No. 218.

Modification of the C. O. No 140, regarding execution of writs in Calcutta under Act XXIII. 1840.

WITH reference to the Circular Order No 140, 1st March (Western Provinces, 18th June) 1841, conveying instructions on the subject of Act XXIII. 1840, the Court circulate for general information, the opinion delivered by the acting advocate general on the course to be pursued when claims are set up to property, for the sale of which a writ may have been issued by a mofussil court.

2. A writ for the sale of property situated in Calcutta, will be drawn up in the form No. 9, which the sheriff, after endorsement by a Judge of Her Majesty's Court, will execute in like manner as if the writ had been issued by that Court.

3. The Court further direct that the following be substituted for the 2d paragraph of the form A of the Circular above mentioned in issuing civil processes.

2d. " It will rest with the party at whose instance the process has been issued to pay the expences of serving it."

Opinion of the Officiating Advocate General, dated 12th July, 1842.

The sheriff is expressly enjoined by Act XXIII. of 1840, Sections 2 and 3, to execute writs, warrants, and other process issued by the mofussil courts and judicial officers, precisely in like manner, as if the same had originally issued from the Supreme Court, to which alone he is made responsible for the due execution thereof ; and in order to facilitate such execution, the Judge of the Supreme Court, who shall endorse the process, is invested with certain power as to correction of the process, and other particulars.

In the instance before me, the sheriff appears to have proceeded in the regular course to seize the rights and title of the defendants in execution, in certain parcels of real property pointed out to him on the part of the plaintiffs. That right and title may be none at all, or may be qualified or subject to mortgage, prior seizures, or the like. As the sheriff seizes and sells at his own peril, or refuses to do so at his own peril, (by return of nulla bona, &c.) he, in practice, calls upon the parties calling upon him to seize, or pointing out the property, to indemnify him whenever a third party claims an interest, and if both parties offer indemnity, he may, at his own peril, elect which indemnity he thinks the best, and either sell or release accordingly, being liable in damage to the opposite party if *he* shall make out his case to be the true one.

I would however suggest as an act of prudence that the mofussil judicial officers mix themselves up in these matters as little as possible, and leave it to the parties interested to give the directions and information to the sheriff, which of course they must do at their own charge and peril. It would in English judges be thought not only a loss of dignity, but an act of impropriety, to interfere in any execution whatever, unless formally applied to judicially by some of the parties litigating. The mofussil judge, in the instance before me, corresponds with the sheriff, nay, goes so far as to engage for his expenses or fees—such a proceeding may perhaps be regular or even necessary in mofussil executions, but will appear very strange in an English court of justice.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 12*th* } *August*, 1842.
Western Provinces, 23*d* }

No. 219.
Rules relating to sales in property by ameens in execution of decrees.

THE law making no provision for any specific period within which a purchaser of property sold by *ameens* in cases of execution of decree, shall pay in his purchase money, the Courts of Sudder Dewanny Adawlut, for the Lower and North Western Provinces, are pleased to determine that the "ishtehar" or notice of sale in such cases shall contain the following particulars.

1. A deposit of 10 per cent. on the amount proceeds shall be required to be made at the time of sale by the purchaser, on whose failure to comply with this requirement the property shall be forthwith put up again and sold.

2. The full amount of the purchase money in sales of *real property* shall be made good by the purchaser within 15 days from the day of sale, in default of which the deposit will be forfeited, and the property be re-sold at the risk of the first purchaser, who shall forfeit all advantages, and make good all losses.

3. The entire sum bid for *moveable property* shall be paid up within 24 hours from the time of sale and before delivery of the property, subject to the penalty provided in the preceding rule.

4. In the event of a sale not becoming final, the amount of deposit forfeited shall be carried to the credit of the owner of the property, for the benefit of the decree-holder, after deducting therefrom the commission of the ameen on the sale.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 12*th* } *August*, 1842.
Western Provinces, 23*d* }

No. 220.
Explanatory of Circular Order, No. 171, 4th March 1836.

MISAPPREHENSION having been found to exist respecting the meaning of a part of paragraph 2 of Circular Order of the Sudder Dewanny Adawlut, No. 171, dated 4th March 1836, viz. as to *what sum* is alluded to at the end of that paragraph in the words "with further interest on *this sum* until the date of payment"—it being understood by some to refer to the aggregate sum, principal and interest, mentioned in a former part of the sentence, and by others, to mean the principal alone,—it is hereby explained by the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad, that the "sum" in question is meant to designate the principal with interest from a certain up to a certain date mentioned, which the

court is directed to decree, a reading which the omission of the parenthetical sentence will render quite obvious.

2. It is further noticed that under Construction No. 715, the costs which may be awarded, may be separately chargeable with interest from the date of the decree up to the date of payment.

TO THE CIVIL JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 9th September, 1842.

No. 221.

Modification of the Circular, No. 210, 24th June last, regarding the signatures of the uncovenanted judges.

IN modification of the Circular No. 210, of the 24th June last, the Court are pleased to direct that uncovenanted judges may at their option sign their names in the English, or in any other character, but that they shall always sign in full, instead of employing initials, and only use one character on all occasions, instead of having recourse to different characters at different times.

TO THE CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 9th September, 1842.

No. 222.

Tuhseeldars in the Western Provinces are authorised to grant copies of official documents.

THE Court notify, for general information, that, in order to promote the convenience of the public, the Sudder Board of Revenue have been pleased to issue a Circular Order allowing tuhseeldars to grant, on application, copies of official documents in the revenue department to suitors in the civil courts.

TO THE CIVIL AUTHORITIES IN THE NORTH WESTERN PROVINCES.

Western Provinces, 9th September, 1842.

No. 223.

Caution against moonsiffs being allowed to act on cl. 4. Sec. 6, Reg. V. 1831, in suits to which its provisions do not apply.

THERE being reason to suspect the prevalence of an erroneous practice in the moonsiffs' courts of acting on the provisions of Clause 4, Section 6, Regulation V. 1831, in all cases indiscriminately, involving claims to landed property, without reference to the fact of the application of that clause being restricted to suits "concerning the *succession or right of inheritance*" to real property, the Court request the particular attention of the judges to the point, in order that if the written notification of claim with a requisition to claimants to attend, be found to be issued in cases *other* than those to which the rule applies, the practice may be at once checked.

TO THE CIVIL AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 9th September, } 1842.
Western Provinces, 7th October, }

No. 224.
Erratum to Persian version of Regulation II. 1807.

I AM directed by the Court to forward to you, for distribution among the native judges of your district, copies of an erratum to the Persian version of Regulation II. 1807.

قانون دوم سنه ۱۸۰۷ع

دانستني است که چون در ضمن اول دفعهٔ چهارم قانون دوم سنه ۱۸۰۷ عیسوي قدري در ترجمه از اصل قانون بر افتاده لهذا ضمن مسطور برطبق اصل بتکرار بحیز طبع درآمد اول ایکه هرکس که نسبت بمراتب وکوایف مقدمه ونسبت بامري که بانجام وفیصل مقدمه تعلق کلی داشته باشد روبروي صاحبان صدالتهاي دیوانی وفوجداري یا دیگرکار پردازسرکارکه درباب گرفتن حلف اختیار داشته باشد عمدا برخلاف مراتب قسم یا قسم نامهٔ خود زبان بندي دروغ نموده باشد آن کس مرتکب قصورگواهي کذب متصور شده لائق سزاهائیکه تشخیص وتعین حد آن در دفعهٔ صدر مندرج است خواهدگردید

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 16th September, } 1842.
Western Provinces, 17th October, }

No. 225.
Attention called to the powers conferred by Act XXX. 1841, on the several grades of native judges in regard to the levying of fines.

THE attention of the district civil authorities is called to the effect of Section 3, Act XXX. 1841, under which the prohibition against moonsiffs realizing fines imposed by them for disrespectful behaviour in open court, without previous report to the judge, is removed, and according to which principal sudder ameens and sudder ameens are

left at liberty to realize by their own authority any fines which they may impose under the general Regulations. Section 42, and the further proviso of Section 74, Regulation XXIII. 1814, (the latter having been applicable to principal sudder ameens agreeably to the first part of Clause 4, Section 18, Regulation V. 1831,) having been both rescinded, Act XXX. 1841, is thus the sole law under which contempt of court can be penally visited by the native tribunals.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Western Provinces, 16*th September*, } 1842.
Lower Provinces, 2*d December*, }

No. 226.

Rule for dismissal of vakeels through whose neglect of their clients' interests suits may be dismissed on default according to Section 1, Act XXIX. 1841.

INSTANCES having come to the notice of the Court, in which suits have incurred dismissal on default, under the first section of Act XXIX. 1841, owing to the negligence, in not proceeding with the case, of the vakeel of plaintiff or appellant, the Court draw the attention of the civil courts to the following remarks and order.

2. The Court observe the terms of Section 1 of the above Act are very decided in their character, unqualifiedly declaring that a suit or appeal not proceeded with, for six weeks, *shall as of course*, be dismissed, no proceeding on the part of the court before which it may be pending, and no motion by the opposite party or otherwise, being needed. In other words, a suit incurring such a contingency becomes of itself extinct and at an end, the sole exception being where the plaintiff or appellant may, by special application made *before* the expiration of the period named, have shewn to the court good and sufficient cause for granting further time. When, therefore, a case may have been legally dismissed on default under the above law, no remedy remains (for the presiding judge could, on review, pass no different order from the first) save re-institution under Section 2, and when that is barred by any of the impeding causes recited in the Act,* the suit is altogether lost.

On this point see Construction No. 1334.

3. As these considerations make it imperative to attach so rigorous a penalty to proved instances of cases being in the above mode lost by reason of negligence and failure to proceed, or duly represent their clients, on the part of vakeels, as shall prevent those persons from compromising or ruining the causes of their employers, the Court are pleased to resolve that whenever such default shall be found, *after due enquiry*,* to have been incurred from the culpable remissness and negligence of the

* The 4th paragraph and the words "after due enquiry" in the 3d paragraph, were added by a C. C. issued by the Western Court under date the 19th November, 1842.

plaintiff's or appellant's vakeel or mooktear, the vakeel's sunnud shall be held to be *ipso facto* forfeited by such omission, and it shall not be in the power of the presiding judge of the tribunal where default occurred to grant to such vakeel a new sunnud, unless on sanction, expressly obtained, of the Sudder Dewanny Adawlut.

4. The subordinate judicial officers will immediately report to the zillah judge the occurrence of any cases of the kind described in their own courts, with a view to his directing the dismissal of the vakeel.

TO THE CIVIL AND SESSION JUDGES IN THE LOWER PROVINCES.

Lower Provinces, 23d September, 1842.

No. 227.

Judges expected to be careful regarding employment of extra muhurrirs for copying appealed cases, and to certify to the fact on the face of their bills for such charges.

Para. 3. THE various checks which have been adopted for the control of the expenditure of the public money* in this branch of the duties of the civil courts, [copying the proceedings in cases submitted to the Court,] enable this Court to satisfy themselves that the work charged for has been actually done; but it is impossible for this Court to devise any check upon the unnecessary and improper employment of extra hands, in as much as they cannot be aware at any given time of the quantity of work which the establishment of a zillah court may have in hand. This can be efficiently controlled only by the zillah judges themselves: and it is the duty of a judge to see that extra hands are absolutely necessary before the employment of them is permitted.

4. In like manner it is the duty of the judge to see that the establishments of the principal sudder ameens are fully employed, and satisfy himself, when a principal sudder ameen applies for extra assistance, that such aid is absolutely necessary.

5. You are requested in submitting your future bills invariably to subscribe a certificate to the effect that the employment of the extra hands was necessary; and require your principal sudder ameen to report to you to the same effect when applying for permission to employ extra aid. This report should be submitted with the bill, including the charge incurred, under the judge's sanction thereon. I am desired to add that the responsibility of the employment of extra aid, unless really necessary, must rest with the officer who sanctions it.

TO THE CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 26th September, 1842.

No. 228.

Construction 1003 superseded.

IT having been ruled that the Sudder Dewanny Adawlut have no jurisdiction whatever in the hearing of appeals in cases originally tried by moonsiffs and sudder ameens, I am desired to inform you that Construction 1003 is accordingly superseded and revoked.

Vide Circulars No. 217, Vol. II, and Nos. 40 and 101, Vol. III.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 28th September, 1842.

No. 229.

Vakeels incompetent, save on authority specially conveyed, to receive sums paid into court in execution of decrees.

THE Courts of Sudder Dewanny Adawlut for the Lower and Western Provinces notify, for general information and guidance, the fact of the incompetency of vakeels in suits to receive, without a special power, sums realized in execution of decrees. They observe that the powers conferred on a vakeel cease on the enforcement of the decree, that is, on payment of the money (if money be decreed) into court. Taking the money out of court is a subsequent and separate transaction, and should not be permitted to a vakeel except where his vakalutnamah, by a special clause to that effect, or any separate instrument, may distinctly confer on him the authority to receive it.

TO THE CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 14th October,
Western Provinces, 15th November, } 1842.

No. 230.

Instructions regarding the filing of supplemental plaints or answers.

A PRACTICE being believed to be common, though not supported by warrant of any law, of the civil courts directing the filing of supplemental plaints, and stating the points and dictating the terms on and in which they are to be given, the courts of Sudder Dewanny Adawlut for the Lower and Western Provinces intimate that such a procedure is to be considered by the courts as strictly prohibited for the future, and that their authority is to be held to extend no further than consists in the allowing one supplemental plaint or answer to be filed on the application of the party wishing to do so, without power to dictate to the parties, or order one to be filed in the absence of such application.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 21st October,
Western Provinces, 28th December, } 1842.

No. 231.

The smallest size of paper on which forms can be printed, to be denoted.

THE Court are pleased to direct that officers indenting on the Government Lithographic Press for forms of statements, &c., will forward to the superintendent, with their indents, a specimen of the smallest size of paper on which the forms may be executed without material inconvenience.

TO THE CIVIL AND CRIMINAL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 4th November, 1842.

No. 232.

Communicates rule regarding responsibility of heads of offices in the matter of the arrangement of records.

WITH the sanction of Government it is notified, for the information and guidance of all public officers at the head of establishments containing records, that in future, any officer who permits the records of his office to fall into disorder shall be held responsible to Government for the expenses incurred in their re-adjustment, and any functionary receiving charge of an office, the records of which may be in disorder, or so immethodically arranged as to prevent the ready production of papers when called for, who shall fail to make a timely report of their state, will be similarly held answerable for the outlay attending the assortment of the records.

TO THE SEVERAL CIVIL JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 2d December, 1842.

No. 233.

Prescribes an addition to moonsiff's nomination statements connected with prohibition to judicial officers to trade.

WITH reference to the orders of Government, republished with the Court's Circular No. 206, dated 20th June last, in which it is provided that "candidates for judicial offices shall certify in their applications, that they are not engaged in any trading speculations," the Court are pleased to direct that in all nomination statements for moonsiffships sent up in future according to the form prescribed by Circular Order No. 88, dated 14th June 1833, the judges will alter column 11, the present heading of which is as noted in the margin,* in the mode following:—"Certificate that the nominee is not disqualified by any Regulation, and that he is not engaged in trade or trading speculation," and will supply beneath, the information required by such altered heading.

* Certificate that the nominee is not disqualified by any Regulation, and general remarks.

TO THE SEVERAL CIVIL AUTHORITIES IN THE LOWER AND WESTERN PROVINCES.

Lower and Western Provinces, 2d December, 1842.

No. 234.

Enjoins despatch in issue of sale notices to lower courts under Section 8, Act XII. 1841.

WITH reference to an instance, brought to the notice of the Court of Sudder Dewanny Adawlut for the North Western Provinces, of the annulment of a sale on account of revenue arrears in consequence of delay that occurred in a judge's office in forwarding the notices of sale prescribed by Section 8, Act XII. 1841, as soon as received from the collector to the lower courts, the Court call the attention of the civil courts to the neces-

sity of using despatch and avoiding all delay in the distribution, affixation, and certificate of receipt of sale notices sent under the provisions above quoted.

2. Judges will be pleased to call the attention of the subordinate courts to this Circular.

TO THE CIVIL JUDGES IN THE LOWER AND NORTH WESTERN PROVINCES.

Lower Provinces, 9th December, 1842.
Western Provinces, 14th February, 1843.

No. 235.

Error in Persian and Bengalee versions of Regulation X. 1829, amended.

THE Courts of Sudder Dewanny Adawlut for the Lower and North Western Provinces, circulate the subjoined amendment of an error in the Persian and Bengalee versions of Article 4, Schedule A, Regulation X. 1829.

غلط نامه

سنه ۱۸۲۹ع کے ۱۰ قانون کی پہلي فہرست کی
چوتھی مد کے چھتھي رقم کي اصلاح میں

غلط ودر زائد از چہار صد تا ہشت صد روپیه
صحیح و در زائد از چہار صد تا ہشت صد روپیه
۸ آنه

১৮২৯ সালের ১০ দশম আইনের A চিহ্নেতে চিহ্নিত তফশীলের ৪ চতুর্থ ধারা।

এক কি তাহা হইতে অধিক সাক্ষির দস্তখৎযুক্ত দলিল দস্তাবেজ কি নিদর্শনপত্র কি লিপি ব্যতিরেক যে বিলঅফএক্সচেঞ্জ অর্থাৎ হুণ্ডী কি ড্রাফ্‌ট অর্থাৎ বরাত চিটি কি প্রোমিসরি নোট কি হুণ্ডি কিম্বা টীপ কি বরাত কি টাকা দিবার অন্য হুকুম কি অঙ্গিকারপত্রের টাকা (রাজধানীর অধিন প্রদেশের মধ্যে দেয় হইলে) দৃষ্টমাত্রে অথবা দাওয়ামাত্রে অথবা নিচের লিখিত মিয়াদের মধ্যে দিতে হইবেক তাহা এবং ঐ প্রদেশের বাহিরে যে কোন মিয়াদে বিলঅফ এক্সচেঞ্জ অর্থাৎ হুণ্ডি দিতে হইবেক তাহা ২৫৲ টাকার অধিকের না হইলে যে ইষ্টাম্প কাগজে লেখা জাইবেক তাহার মূল্য..... ...	দৃষ্টমাত্র কি দাওয়ামাত্র কি তিন মাসের অনধিক মিয়াদী হইলে।	তাহিবোর পর তিন মাসের অধিক কিন্তু এক বৎসরের অনধিক মিয়াদী হইলে।
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২৫৲ টাকার অধিক ইইলে এবং ৫০৲ টাকার অনধিক	৵০	।০
৫০৲ ... ... ১০০৲	।০	॥০
১০০৲ ... ... ২০০৲	॥০	৸০
২০০৲ ... ... ৪০০৲	৸০	১৲
৪০০৲ ... ... ৮০০৲	১৲	১॥০
৮০০৲ ... ... ১৬০০৲	১॥০	২৲
১৬০০৲ ... ... ৩০০০৲	২৲	২॥০
৩০০০৲ ... ... ৫০০০৲	২॥০	৪৲
৫০০০৲ ... ... ১০০০০৲	৪৲	৬৲
১০০০০৲ ... ... ২০০০০৲	৬৲	৮৲
২০০০০৲ ... ... ৩০০০০৲	৮৲	১২৲
৩০০০০৲ ... ... ৫০০০০৲	১২৲	১৬৲
৫০০০০৲ ... ... ১০০০০০৲	১৬৲	২০৲
১০০০০০৲ এক লক্ষের উপর যত হউক...	২০৲	২৫৲

TO THE SEVERAL CIVIL JUDGES IN THE LOWER PROVINCES AND THE GOVERNOR GENERAL'S AGENT IN HAZAREEBAUGH.

Lower Provinces, 23d December, 1842.

No. 236.

Examination of candidates for office of moonsiff to be held once a year.

THE Court are pleased to intimate, with the sanction of the Government, that the examination of candidates for the office of moonsiff shall in future be held once a year, at its commencement.

TO THE SEVERAL CIVIL AND SESSION JUDGES IN THE LOWER AND WESTERN PROVINCES.

Lower Provinces, 30*th December*, 1842.
Western Provinces, 3*d March*, 1843.

No. 237.

Further instructions regarding registers of dismissed ministerial offices.

TO guard against the possibility of dismissed officers obtaining service in other districts by change of names or other means of disguise, the Court are pleased to direct the addition of a column, containing a descriptive roll of the dismissed officer, to the form prescribed by the Circular Order, No. 216, of the 8th July (Western Provinces, 30th September) last.

2. The extracts from the register of public servants dismissed for misconduct, which may be sent to you from this office, should be communicated to the several authorities of the district, so as to make the registers of each department available to the heads of the other departments.

G. H. Huttmann, Bengal Military Orphan Press.

INDEX

TO

THE CIRCULAR ORDERS

OF

The Sudder Dewanny Adawlut,

VOLUME III.

ABSENT WITNESSES.

See Processes, Nos. 185. 214.

ACTS.

See Collection of Debts, No. 187.
See Curators, No. 186.
See Evidence, Nos. 74 85. 125.

AMEENS.

Nos.

Communicating, in continuation of Circular No. 197, dated 13th January, (W. P., 10th February) 1837, that ameens have the power, under Clause 3, Section 2, Regulation VII. of 1825, of selling real as well as personal property in satisfaction of decrees. Lower and Western Provinces, 7th February 1840, 69

Monthly returns of the work performed, to be called for from the ameens, with a view to the judge exercising proper supervision over their proceedings. L. P., 4th June, 1841, ... 153

Judges to require from ameens, appointed under Circular of 10th February 1837, monthly statements of work done by them, to supply a check upon the acts of those officers, and to prevent more being employed than are needed. W. P., 2d July, 1841, ... 155

Duties defined and mode of remuneration fixed, of ameens employed under Circular Order No. 197, dated 13th January, (Western Provinces, 10th February) 1837. L. P. 31st December 1841. W. P., 17th January, 1842, 177

Rules relating to sales of property by ameens in execution of decrees. L. P. 12th and N. W. P., 23d August, 1842, ... 219

APPEALS.

Nos.

See Periodical Reports and Statements, No. 2.
See Principal Sudder Ameens, Nos. 4, 8, 65.

Modifying the certificate No. 1, prescribed by Circular Order No. 118, 24th October 1834. L. and W. P., 24th August, 1838, ... 16

Rules regarding the receipt and admission on the files of the judge's court, of regular appeals from the decisions of the subordinate judicial functionaries. L. and W. P., 28th September, 1838, ... 20

Supersession by Acts VII. and XXII. of 1838, of the provisions of Clause 2, Section 27, Regulation XXIII. of 1814, and the Construction thereon, No. 870, of 21st February 1834, relative to appeals. L. and W. P., 23d August, 1839, ... 46

Requesting particular attention to existing instructions relative to the proper course to be followed by the judge in taking up petitions of appeal, under Clause 3, Section 16, Regulation V. of 1831, and Act VII. of 1838, when the petitioner may not be in attendance in person or by vakeels. L. and W. P., 23d August, 1839, ... 47

See Civil Causes, No. 102.

Attention of judges called to the rules regarding the admission of special appeals. L. P., 8th January, 1841, ... 130

Rules for the admission and disposal of regular appeals. L. P., 12th March, 1841, ... 141

Obligation of appellant's vakeel to receive the prescribed notice on presenting to the zillah

Nos.

court an appeal to the Sudder Dewanny Adawlut. L. P., 17th December 1841, Western Provinces, 25th January, 1842,..... 176

Rule for the insertion, by appellants to the Sudder Courts, in petitions of appeal, of the names of all the respondents. L. and W. P., 1st July, 1842, ... 211

APPEALS TO THE QUEEN IN COUNCIL.

Returns regarding investigations into security tendered by appellants to the Queen in Council. L. P., 25th February, 1842, ... 189

ARBITRATORS.

Appointment of arbitrators under Construction of Sections 3 and 4, Regulation XVI. 1793, (XXI. of 1803,) W. and L. P., 12th October, 1838, ... 24

ASSISTANTS.

See Duties of Assistants, &c. No. 53.

CALCUTTA.

See Processes.

CAZEES.

Measures prescribed for the better attainment of the objects of registration of deeds by pergunnah cazees. L. P., 28th September, and W. P., 23d November, 1838,..... .. 21

Instructions regarding the appointment and duties of pergunnah cazees. L. and W. P., 6th December, 1839,..... 61

CHEMICAL QUESTIONS.

References regarding chemical questions and operations to be made to the professor of chemistry. L. and W. P., 24th June, 1842, 207

CIRCULARS.

Enumeration of rescinded Circulars. L. P., 19th March, 1841, ... 143

Explanation of Circular Order, No. 171, 4th March 1836. L. P. 12th and W. P. 23rd August, 1842, ... 220

CIVIL CAUSES.

Rules to be observed by the civil courts for procuring the attendance of parties in cases remanded for further investigation, or to be tried de novo. W. P. 3rd and L. P. 31st August, 1838,..... 19

Nos.

Instructions regarding the legality of dividing a claim into several parts. An order passed in the execution of a decree, carrying out the original intentions of the decree, does not constitute a new cause of action. L. and W. P., 11th January, 1839, ... 29

Cases decided by the criminal authorities under the provisions of Section 6, Regulation VII. 1819, are not open to a civil action. L. P. 31st August, and W. P. 19th November, 1838, 81

Rule of procedure when the defendant in a regular suit may plead that the plaintiff has underrated the value of the property sued for. L. and W. P., 19th June, 1840, ... 90

Directing the insertion, in all decrees, passed in appeal, of the date on which the suit was referred to the subordinate court for trial. L. P. 14th August, and W. P. 4th September 1840, ... 96

Prohibiting certain irregular practices of the lower courts in passing decisions in suits remanded to them for re-trial; and pointing out the course to be pursued. W. P. 28th August, 1840, ... 102

Calling the attention of the judges to the rules contained in the Circulars, No. 12, of the 7th August, 1817, No. 60, of the 25th October 1822, and No 179, of the 5th August 1836, and in Section 21, Regulation V. 1831, and Section 10, Regulation XXVI. 1814, regarding the mode of conducting civil suits. L. P. 2d October, 1840, ... 109

Observes on the importance of reducing as much as possible the number of old standing cases, whether those sent back by remand, or bona fide arrears; notices defective system in regard to taking up cases to pass orders thereon, and the means of correcting the same; and dispenses for the present, with monthly explanations in cases of long standing, substituting quarterly instead. W. P. 24th March 1841, 144

Proclamation made of correct mode of valuation of certain suits for portions of estates. W. P. 4th May 1842, ... 197

CIVIL COURTS.

Civil courts, in reversing sales of estates made in satisfaction of arrears of public revenue, not to declare the precise sum receivable by the auction purchaser as compensation, but merely to order the restoration of the former proprietor to possession with whatever mesne profits he may be entitled to receive for the period of his dispossession. L. and W. P., 10th August, 1838. [Cancelled by No. 78,] 15

Nos.

Instructions regarding the extent of the powers vested in the civil courts, in putting auction purchasers in possession of property purchased by them, on a requisition of the collector, under Clause 1, Section 28, Regulation XI. of 1822 L. P 1st November, and W. P. 13th December, 1839, ... 55

Communicating observations and orders relative to the release from restraint of revenue defaulters by the courts, under Clause 1, Section 16, Regulation XXVII. of 1803. W. P., 6th December, 1839, ... 62

Intimating the proper course to be followed on a party in a suit filing a deed written on paper not bearing the prescribed stamp. L. and W. P., 3rd January, 1840. [See No. 179,] 64

Cancelling the Circular Order No. 15, dated 10th August, 1838, which prescribes an alteration, in certain particulars, of the practice of the courts in suits brought against Government and the auction purchasers of estates sold for arrears of revenue. L. and W. P., 16th April, 1840, ... 78

Prescribing rules for the observance of parties giving in stampt paper, in order to obtain copies of decrees, and for regulating the procedure of the civil courts in the same matter. L. and W. P., 8th May, 1840, ... 82

Calling for returns of the principal ministerial officers attached to the courts of the civil and session judges. L. P., 20th November, 1840. 118

Purport of former Circulars, touching points of civil procedure, under Regulation XXVI. 1814, embodied in one order. W. P., 4th January, 1841, ... 127

Calls attention of the subordinate courts, through the judges, to the regulations prescribing rules for the preparation of pleadings, and enjoins observance thereof, with penalty on failure. L P. 8th January, W. P. 13th February 1841, ... 129

Particular attention to be given to the disposal of cases of long standing. L P, 15th January, 1841, ... 132

Rules for the transaction of civil business. L. P., 15th January, 1841, ... 133

General authority given to judges, under Section 8, Act XXV 1837, to transfer miscellaneous business from their files for disposal to principal sudder ameens. W. P., 10th April, 1841, ... 148

See Periodical Reports and Statements, No. 149.

Entry prohibited of persons wearing arms, except guards on duty, into civil courts. W. P., 6th August, 1841, ... 158

See Stamps, No. 161.

Nos.

See Execution of Decrees, No. 164.

Principal sudder ameens incompetent to make the enquiry required by Section 1, Act IX. 1839, or to pass orders on applications to sue *in forma pauperis*. L. P., 12th November, 1841, ... 170

See Heathen Deities, No. 173.

Rules (in modification of Circular Order No. 64) for the guidance of the courts in cases where a party may file a deed on unstampt paper, or on paper of insufficient value. L. P. 7th, and W. P., 31st January, 1842, ... 179

The judges to abstain from recording any remarks calculated to lead to applications to the Sudder Court in cases not cognizable by it. L. P., 1st April 1842. 192

Observations on the nature of the tenures of land in the N. W. P., and rules to provide for the decision of claims to land with advertence to those tenures. W P., 24th June, 1842, ... 208

Instructions regarding the filing of supplemental plaints or answers. L. P, 14th October, W. P., 15th November 1842, ... 230

COLLECTION OF DEBTS.

Forms for use on appointment of persons for collection of debts on succession, under Act XX. 1841. L. P., 11th February, W. P., 1st March 1842, ... 187

CONSTRUCTIONS.

Intimating that a collector has no power, under Clause 4, Section 4, Regulation VII. of 1825, to postpone a sale without an order to that effect from the court ordering the sale; and cancelling the concluding words of paragraph 2 of the printed Construction No. 794. L. and W. P., 4th September, 1840, ... 105

Attention called to Construction No. 714, which declares Section 8, Regulation VIII. 1831, applicable to claims regarding exactions, as well as arrears of rent. L. and W. P., 18th February, 1842, ... 188

See Stamps, No. 193.

Construction No. 1003 superseded. L. and W. P., 26th September, 1842, ... 228

CORRESPONDENCE.

Enjoining the observance of Circular No. 20, dated 2nd July 1830, requiring each letter addressed to the Court to be accompanied by an abstract of its contents. W. P., 13th November, 1840, ... 116

Nos.

Instructions, in regard to the description of documents, of which copies should be given to paupes plaintiffs on plain paper, under Section 8, Regulation XXVIII. of 1814. L. and W. P., 1st November, 1839, ... 56

Instructions regarding applications for copies of papers connected with suits pending before native judges. L. P., 15th November 1839, and W. P., 16th January, 1840, ... 58

See Civil Courts, No. 82.

Tuhseeldars in the N. W. P authorised to grant copies of official documents. W. P., 9th September, 1842, ... 222

COSTS

See Miscellaneous Cases, No. 13.

COURT OF REQUESTS.

See Processes, No. 214.

CURATORS.

Forms for use on the appointment of curators under Act XIX. 1841. L. P., 11th February, W. P., 1st March, 1842, ... 186

DAWK.

Circulating an extract of a letter from the post master general, regarding the tying up of parcels intended to be sent by dawk. L. P., 28th February, and W. P., 13th March, 1840, ... 70

Public covers ordered to be closed with gum, and marked with office stamp, instead of sealed with wax, and use recommended of cloth bags for bulky packages of papers. W. P., 3d June, 1842, ... 208

DECREES.

Revenue authorities to be furnished with copies of those decrees only which are final, and of which execution shall have been taken out. L. P. 5th October, 1838, ... 22

Prescribing rules for the observance of the subordinate courts in regard to the preparation of their final decrees, and transmission to the judge's court of records of decided cases by the inferior tribunals. L. and W. P., 20th September, 1839, ... 49

Directing, with reference to the concluding paragraph of Circular No. 49, dated 20th September 1839, that when principal sudder ameens decide no suits above 5,000 rupees in value, a note to that effect should be appended at the foot of the supplement to part 4 of the monthly civil statement No. 1. L. and W. P., 28th February, 1840. 71

DUTIES OF ASSISTANTS, &c.

Officers in charge of current duties of the office of civil and session judges, have the power of giving leave of absence for limited period, in urgent cases, to the vakeels and amlah. L. and W. P., 11th October, 1839, ... 53

ENGLISH DOCUMENTS.

Instructions, in modification of paragraph 4 of the Circular Order, No. 4, 23d February, 1838 regarding the cognizance, by principal sudder ameens, of suits in which English documents may form a part of the evidence. L. P. 18th, and W. P. 31st October, 1839,... 54

Rules regarding English documents filed in cases before native judges. W. P., 4th, and L. P., 18th February, 1842..... 184

EVIDENCE.

Forwarding translations, in Bengalee and Urdu, of the form of declaration prescribed by Act V. of 1840, with instructions for bringing the provisions of that law into operation. L. P., 3d April, 1840, ... 74

With reference to Act V. of 1840, transmitting, with instructions how to administer the same, a translation of the affirmation enjoined to be taken by all Hindoo and Mahomedan deponents. W. P., 15th May, 1840, ... 85

With reference to the provisions of Act XXIII. of 1840, communicating instructions regarding the obtaining the evidence of witnesses residing in Calcutta. L. P., 18th December, 1840, 125

EXAMINATIONS.

See Moonsiffships.

EXECUTION OF DECREES.

Calling for a report of the practice observed in the districts in regard to the payment of money realized in satisfaction of the decrees of the moonsiff's courts, together with such suggestions as they may have to offer on the subject, &c. L. and W. P., 22d March, 1829,..... 32

Rule for effecting the sale of property, situated in a different jurisdiction from that in which the decree was passed. L. and W. P., 8th May, 1840, ... 83

See Sales, No. 106.

Nos.

Communicating rule of practice regarding the authority for disposing of claims to share in the proceeds of sales in satisfaction of decrees. L. and W. P., 20th November, 1840, ... 119

Rules prescribed for the preparation of petitions presented to the several civil courts, suing out execution of decree. W. P., 20th August, 1841, L. P., 22nd April, 1842,..... 164

Circular No. 83, 8th May, 1840, regarding authority for disposing of claims to property advertized for sale in a jurisdiction other than that where the decree was passed, declared to be extended to native courts. L. and W. P., 24th September, 1841, ... 167

Rules prescribed for the guidance of the civil courts, showing the principle on which summary enquiries should be made by the courts into objections to sale of property in execution of decrees, and denoting the occasions when such course should be followed. L. and W. P., 10th June, 1842,..... 205

Investigation of objections to execution of decrees of the Sudder Dewanny Adawlut. L. P., 8th July, W. P., 25th August, 1842, ... 215

FINES.

See Periodical Reports and Statements, No. 6.
See Native Judges, No. 37.
See Uncovenanted Servants, No. 95.

FORMS OF STATEMENTS.

The smallest size of paper on which forms can be printed, to be denoted. L. P., 21st October, W. P., 28th December, 1842,..... 231

FUNDS.

Creation of unauthorized funds, in public offices, interdicted. L. P., 6th August, and W. P., 8th October, 1841, ... 157b.

GLAZED DOORS AND WINDOWS.

Instructions for the preservation and repair of glazed doors and windows. L. P, 31st May, and W. P., 20th September, 1839,..... 35

Authorizing an alteration in the Circular Order, No. 35, dated 31st May, (W. P., 20th September, 1839,) regarding glazed doors and windows. L. and W. P., 1st May, 1840,..... 80

GOVERNMENT PLEADER.

Rule for affording the Government pleader the ready means of realizing his fees from Government, in cases decided wherein the Government is a party. W. P., 4th September, 1840, ... 104

Reports of vacancies in office of Government pleader of zillah courts, to be made by judges to revenue commissioners, for submission to Government. W. P., 10th June, 1842,..... 204

HEATHEN DEITIES.

Names of heathen deities not to be prefixed to proceedings of the courts. L. P., 3d December, 1841,..... 173

INTEREST.

Rules regarding interest, or wasilat, accruing subsequently to the institution of a suit, and while it may be pending; and also regarding interest or wasilat accruing from the date of the decree. L. and W. P., 11th January, 1839, ... 29

JUDGE'S OFFICE.

See Duties of Assistants, No. 53.

Rule for relief of civil and session judges, empowering them to employ, at discretion, their head clerks in certain unimportant duties now done by the former. L. and W. P., 25th August, 1841, ... 165

JURISDICTION.

See Execution of Decrees, Nos. 83, 119, 167.

LANDS IN THE N. W. P.

See Civil Courts, No. 208.

LANGUAGE.

Transmitting copy of a resolution of Government, and requesting that measures be taken for substituting, for the Persian, the vernacular language. L P., 9th February, 1838, .. 3

Proceedings addressed to certain officers in the Hazareebagh division, to be written in the Urdu language. L. P., 23d November, 1838, 27

Instructions, in pursuance of the orders of Government, dated 6th April, for the general introduction of the vernacular or Hindoostanee language in the civil proceedings, in supersession of the Persian. W. P., 19th April, 1839, ... 33

Resolution declaring the Urdu to be the language of record in the Sudder Court, and containing further rules in regard to the introduction of the vernacular languages into the courts of justice. L. P., 5th July, 1839, ... 42

Nos.

The introduction of the Nagri character, in writing the Urdu language, to be gradually and cautiously effected. L. P., 1st November, 1839, ... 57

Attention required to the style of proceedings in the Bengallee language. L. P., 2d April, 1841, ... 146

Attention called to the 7th rule of the Circular Order, No. 42, 5th July 1839. L. P., 24th June, 1842, ... 209

LAW OFFICERS.

Rule regarding salaries of law officers absent on leave. L. P., 26th November, 1841, ... 172

See Native Judges, Nos. 206, 213.

Nomination for succession to office of law officer to zillah courts in the N. W. P., to be sent up, in future, to Government, through the Court. W. P., 1st July, 1842, ... 212

LEAVE OF ABSENCE.

See Principal Sudder Ameens, No. 103.

See Native Judges, Nos. 206, 145.

See Law Officers, No. 172.

MINISTERIAL OFFICERS.

See Civil Courts, No. 118.

See Judge's Office, No. 165.

Rules for defining the control which may be exercised by the zillah courts and Sudder Dewanny Adawlut in the matter of the ministerial establishments of the lower courts. W. P., 1st January, and L. P., 25th February, 1842, ... 178

Register of ministerial officers of the judge's courts, dismissed for misconduct. L. P., 8th July, W. P., 30th September, 1842, ... 216

Further instructions regarding registers of dismissed ministerial officers. L. P., 30th December, 1842, W. P., 3d March, 1843, ... 237

MISCELLANEOUS CASES.

Rules which govern award of costs in regular suits to be considered equally applicable to miscellaneous cases. W. P., 27th July, and L. P., 10th August, 1838, ... 18

MOHURRIRS, (EXTRA.)

Prescribing the rate of payment for copying proceedings in cases referred to the Sudder Court. L. P., 28th June, 1839, ... 40

Nos.

Authorizing the employment of extra mohurrirs, to be paid at section rates, for copying proceedings in cases appealed from the decisions of principal sudder ameens to the Sudder Court. W. P., 24th April, 1840, ... 79

Rate of remuneration for persons copying papers in the judge's courts. W. P., 31st July, 1840. 100

Fixing a uniform rate of remuneration to be paid to persons copying papers in the judge's courts, L. P., 4th September, 1840. 101

Form of the memorandum required by Circular Order No. 40 of this volume. L. P., 13th August, 1841, ... 159

Judges expected to be careful regarding employment of extra mohurrirs for copying appeal cases, and to certify to the fact on the face of their bills for such charges. L. P., 23d September, 1842, ... 227

MOONSIFFS.

Directing the adoption of a form of statement, shewing the quantity of business disposed of daily by the several moonsiffs. W. P., 14th October, 1837, ... 1

See Periodical Reports and Statements, No. 10.

Extending to moonsiffs the rule laid down regarding the mode of address in paragraph 2, Circular Order No. 64, 30th November, 1832. W. P., 24th August, and L. P., 19th October, 1838, ... 25

See Stamps, No 87.

See Tulubana, Nos. 98, 182, 190.

Rules regarding the rates of allowance, payable respectively to persons who officiate as moonsiffs, and to those who are merely placed in charge of moonsiffs' offices. L. P., 6th March, and W. P., 1st May, 1840, ... 72

Directing that communications between moonsiffs of the same district be carried on direct, and not through the intervention of the judge's court. W. P., 27th March, and L. P., 10th April, 1840, ... 75

Directing the judges to report the occurrence of vacancies in the list of moonsiffs of the first grade, with their opinion in respect to the officers best qualified to succeed. W. P., 1st May, 1840. 81

Communicating instructions on the subject of the tuhseeldaree cutcherries being constituted places of deposit for sums realized by moonsiffs from the sale of real property in execution of their decrees. W. P., 18th September, 1840, ... 107

Nos.

Circulating extract from a despatch from the Honorable the Court of Directors, relating to the Circular No. 1. of the 14th October 1837, which directs the adoption of a form of statement shewing the quantity of business disposed of daily by the moonsiffs. W. P., 13th November, 1840, ... 117

Forwarding sunnuds of appointment of moonsiffs, with instructions on the subject. W. P., 11th December, 1840, ... 123

Mode of designating certain moonsiffs. Attention called to Circular Order No. 156. 6th November, 1835. L. P., 15th February, 1841, ... 134

Moonsiffs' attention ordered to be called to requirement of Clause 2, Section 21, Regulation XXIII. 1814, as construed by Construction No. 775. L. P., 18th June, and W. P., 30th July, 1841, ... 157

Certain rules circulated for general information, dispensing with the use of stampt paper in various writings specified, presented to the courts of moonsiffs. L. and W. P., 13th August, 1841, ... 160

Judges' attention called to former rule requiring specification, in references, of names as well as official designation of moonsiffs. W. P., 14th January, 1842, ... 180

Judges who may require moonsiffs to undergo examination, to give at least 15 days' notice to the committee. L. P., 28th January, and W. P., 21st March, 1842, ... 183

Circular Order No. 107, 18th September 1840, declared to apply to all monies deposited in moonsiffs' courts. W. P., 20th May, 1842, ... 200

Caution against moonsiffs being allowed to act on Clause 4, Section 6, Regulation V. 1831, in suits to which its provisions do not apply. W. P., 9th September, 1842, ... 223

MOONSIFFSHIPS.

Transmitting rules passed by the Governor General in Council for the examination of candidates for the office of moonsiff, with forms of certificates. L. P., 21st August, 1840, ... 97

Communicating rules for the examination of candidates for the office of moonsiff, and fixing the stations for holding the periodical examinations. W. P., 20th October, 1840.... 112

Forms of application and certificate, for candidates for moonsiffships, to be filled up in English, and sent to the Court. L. P., 19th April, 1841, ... 151

Date of receipt to be noted on applications of candidates for certificates of character, L. P., 10th December 1841, and W. P. 1st January, 1842, ... 174

Remarks regarding the standard of character and acquirements to be looked for in candidates for the office of moonsiff. L. P., 17th December, 1841, ... 175

Additional rules regarding the examination of candidates for the office of moonsiff. L. P., 20th May, W. P., 20th July, 1842, ... 201

Prescribes an addition to moonsiffs' nomination statements, connected with prohibition to judicial officers to trade. L. and W. P., 2nd December, 1842, ... 233

Examination of candidates for office of moonsiff to be held once a year. L. P., 23rd December, 1842, ... 236

NATIVES.

Native gentlemen of rank to be addressed by the authorities in a suitable manner. L. P., 19th November, 1841, ... 171

NATIVE JUDGES.

Allowances drawn by the native judges, on account of stationery and establishment, should be bona fide appropriated to those purposes, L. and W. P., 2nd March, 1838, ... 5

Forms of address to be observed by public functionaries in their correspondence with native judges. L. P., 6th July, and W. P., 7th September, 1838, ... 9

Officers on the establishment of native judges not to be dismissed by them, except on the score of misconduct or incapacity. L. P., 5th September, and W. P., 5th October, 1838,... 23

Native judges are competent of their own authority to realize fines imposed by them under Clause 1, Section 18, Regulation X. of 1829. L. and W. P., 7th June, 1839, ... 37

See Vakeels and Special Agents, No. 51.

See Copies of Papers, No. 58.

Rules to be observed, and mode of address to be adopted, by native judges, when corresponding on matters of business, with covenanted officers and natives of rank. L. and W. P., 16th November, 1839, ... 59

See Moonsiffs, No. 72.

Rules regarding applications from native judicial officers for promotion. L. and W. P., 6th March, 1840, ... 73

With reference to Circular, No. 115, dated 26th September 1834, and to the orders of Government thereto annexed, intimating that when native judges, from sickness, may have

Nos.

exceeded the authorized period of absence during the usual vacations, they are not liable to a deduction of salary for the entire period of absence. L. and W. P., 10th April, 1840,... 76

Establishing a fixed rate of travelling for native judicial officers transferred from one district to another. L. P., 15th May, and W. P., 20th March, 1840,..... 84

Prohibiting the native judges from deciding undefended and other easy suits out of their course, and enjoining them to bring on depending cases for trial according to the order of their institution. L. P., 3d July, 1840.... 91

Rules regarding allowances of uncovenanted judges, who may be restored to office, or dismissed after having been suspended, and those of persons who officiate for such officers. L. P., 12th February, W. P., 5th April, 1841. 135

Sections 10 and 12, Regulation XXVI. 1814, declared applicable to the courts of the principal sudder ameens and sudder ameens, but not to those of the moonsiffs. L. and W. P., 20th August, 1841,..... 163

See Records, No. 181.

Nazirs of the principal sudder ameens' and sudder ameens' courts to give security, and the same to be annually revised by the judge and included in the annual statement, No. 9. L. and W P., 27th May, 1842,..... 202

Order of Government promulgated prohibiting native judges and law officers from trading. L. and W. P, 20th June, 1842..... 206

Signature of uncovenanted judges to public documents. L. P., 24th June, 1842. 210

Applications of uncovenanted judges for expositions of Hindoo and Mahomedan laws, how to be made. L. P., 8th July, W. P., 5th August, 1842,..... 213

Modification of the Circular Order, No. 210, regarding the signatures of the uncovenanted judges. L P., 9th September, 1842, ... 221

Attention called to the powers conferred by Act XXX. 1841, on the several grades of native judges, in regard to the levying of fines. L. P., 16th September, and W. P., 17th October, 1842, ... 225

PAUPERS.

See Copies of Papers, No. 56.

See Civil Courts, No. 170.

PENSIONS.

Nos.

Applications to the Government of the N. W. P., for the grant of pensions, to be forwarded through the Sudder Court. W. P., 2d May, 1842, ... 196

Pension rules, passed by the Government on the 4th January, 1831, are subjoined to the foregoing Circular.

Principle notified of calculating period of service to qualify for a pension under rules, dated 4th January 1831. W. P., 13th May, 1842,... 199

Specification enjoined of rate of salary drawn by applicants for pensions in the several grades of official service through which they may have passed. W. P., 14th July, 1842,..... 217

PERIODICAL REPORTS AND STATEMENTS.

See Moonsiffs, No. 1.

Prescribing a new form of statement of appeals to be substituted for that prescribed by the Circular Order of the 27th April 1832, No. 45. W. P., 8th December, 1837, ... 2

Directing zillah and city judges to adopt and cause to be introduced into the subordinate courts the form of register of fines prescribed by the Nizamut Circular Order, No. 4, of the 5th January, 1838. L. P., 6th April, and W. P., 4th May, 1838, ... 6

Razeenamahs, filed in the moonsiffs' courts, not to be drawn upon stampt paper. Cases adjusted, or withdrawn, or decided on a confession of judgment, how to be entered in the periodical statements. L. P., 20th July, and W. P., 3d August, 1838..... 10

Authorizing entertainment of extra mohurrirs for keeping up the registers prescribed by Section 4, Regulation XVIII. 1793 and prescribing forms of registers. L. P., 10th August, and W. P., 23d November, 1838, ... 14

Rules for the preparation of the monthly and annual civil statements, with new forms. L. P., 7th, and W. P., 21st December, 1838,... 28

Calling for an annual report on the register books. L. P., 8th March, 1839, ... 31

See Principal Sudder Ameens, No. 39.

Instructions in regard to entry in statement No. 1, part 1, of suits again brought on the file consequent on a summary appeal, under Section 3, Regulation XXVI. of 1814, and Act XXII. of 1838. Mode in which additions are to be made to the appendix of Circular No. 28, Vol. III. L and W. P., 16th August, 1839. 45

Instructions regarding a supplement to part 4 of the monthly statement, No. 1, for showing the dates on which records of suits disposed of are forwarded to the judge's office. L. and W. P., 20th September 1839, paras. 12 to 14, ... 49

Nos.

Directing, with reference to the concluding paragraph of the Circular No. 49, dated 20th September 1839, that when principal sudder ameens decide no suits above 5000 rupees in value, a note to that effect should be appended to the foot of the supplement to part 4 of the monthly civil statement, No. 1. L. and W. P., 28th February, 1840,... 71

Directing an addition to be made to paragraph 4, of the Circular No. 10, dated 20th July, 1838, regarding the mode of entering in the periodical statements, suits in which verbal representations may be made by the plaintiffs or their vakeels, of their having abandoned the prosecution of the suit from any cause. L. and W. P., 11th October, 1839,..... 52

See Stamp, No. 60.

Communicating instructions for giving better effect to the use and object of the quarterly report of unanswered requisitions required to be made to commissioners, concerning execution of decrees, by the Circular Order, No. 127, dated 12th December, 1834. W. P., 19th June, 1840,..... 88

Directing that the futwas and bewustahs, annually forwarded to the court, and the certificates of principal sudder ameens appended to the monthly civil statements, be written on paper of English manufacture. L. P., 19th June, 1840..... 89

Prescribing an addition to the heading of column 2 of the quarterly statement required to be sent to the revenue authorities by Circular Order of the 12th December, 1834. L. and W. P., 6th November, 1840, ... 115

See Moonsiffs, No. 117.

Form of explanations regarding suits of more than a year's standing, and period of submitting them; likewise those relating to miscellaneous cases. L. P., 15th January, 1841,..... 131

Prescribes form of exhibiting particulars regarding regular suits and miscellaneous cases of old standing. W. P., 20th February, 1841, 137

Directing the submission of a monthly return of judgments passed by the native judges, in which injunctions, agreeably to Act VII. 1838, have been issued by the judge to revise the cases. L. P., 19th March, 1841,.. 142

Submission enjoined on zillah courts of quarterly returns of unexecuted decrees of the Sudder Dewanny Adawlut, and intermediate returns to precepts issued in execution of such decrees, dispensed with. L. P., 2d April, and W. P., 7th May, 1841, ... 147

Notices result of enquiry regarding suits remanded for re-trial to lower courts, adverts to want of comprehension of correct principle in following that course, as instanced in various insufficient grounds, and especially two commented on, and prescribes monthly returns shewing particulars concerning suits sent back by remand for the future. W. P., 16th April, 1841, ... 149

See Principal Sudder Ameens, No. 156.

Maintenance of register book enjoined in judges' and principal sudder ameens' offices, for furtherance of the object of Circular Orders Nos. 147 and 156 of this volume. L. P., 20th August, and W. P., 1st October, 1841, ... 162

Attention called to the Circular Order No. 147, 2d April, 1841, regarding quarterly statements of unexecuted decrees of the superior courts. L. P., 6th May, 1842, ... 198

Securities given by nazirs of the principal and other sudder ameens' court to be annually revised by the judge, and included in annual statement No. 9. L. and W. P., 27th May, 1842, ... 202

PLEADINGS.

See Civil Courts, Nos. 129, 230.

PRINCIPAL SUDDER AMEENS.

Communicating orders with reference to Act XXV. 1837. L. and W. P., 23d February, 1838, ... 4

Rules regarding the proper course of appeal from orders passed by principal sudder ameens in cases referred to them under Sections 1, 4, and 8, Act XXV. 1837. L. and W. P., 5th June, 1838, ... 8

Certificates forwarded by principal sudder ameens with their returns to the Court's precepts, not to be drawn out in English when those officers are not acquainted with that language. W. P., 20th July, and L. P., 10th August, 1838, ... 12

Principal sudder ameens not authorized to remand cases to sudder ameens and moonsiffs for re-trial without the sanction of the judge. Such cases how to be entered in the periodical statements. L. and W. P., 14th June, 1839, 39

Principal sudder ameens required to conform to the practice of the zillah court in forwarding their certificates of appeal, and in making their returns to the Court's precepts under Act XXV. 1837, substituting the vernacular for the English language. L. and W. P., 10th September, 1839, ... 48

Nos.

See English Documents, No. 54.

Communicating amendment of part of the Circular Order No. 4, 23rd February, 1838, relative to appeals from decisions of the principal sudder ameens in suits above the value of 5000 rupees. L. and W. P., 6th January, 1804. 65

Directing the principal sudder ameens to state in their proceedings, both in regular and miscellaneous cases, whether the suit is for an amount above or below 5000 rupees. L. P., 17th, and W. P., 31st July, 1840, ... 93

Directing principal sudder ameens, in cases tried under Sections 1, 5 and 7 of Act XXV. of 1837, to exhibit in a prominent and uniform manner, in the decree or final order, information regarding the amount of the suit. W. P., 31st July, 1840, ... 94

Applications from sudder ameens and principal sudder ameens, for leave of absence from their stations, on private affairs, to be submitted by the zillah judges to the Court of Sudder Dewanny Adawlut, instead of to Government, with a statement of pending business. L. P., 4th September, and W. P., 27th October, 1840, ... 103

Held that a principal sudder ameen is competent to order the imprisonment of a defendant in a suit above 5000 rupees, the judge merely issuing the necessary warrant to the jailor. L. and W. P., 18th September, 1840, ... 108

Instructions for the guidance of principal sudder ameens, regarding points at issue, and the drawing up of decrees. L. P., 8th January, 1841, ... 128

See Civil Courts, No. 148.

Rule of Circular Order, No. 147, of this volume, stated to be applicable to principal sudder ameens, as regards cases before them of the kind described. L. and W. P., 16th July, 1841, ... 156

References to Government concerning principal sudder ameens and sudder ameens to be made henceforward through the Sudder Dewanny Adawlut. W. P., 3rd September, 1841, ... 166

PROCESSES.

Mode of service and forms of processes under Act XXIII. 1840. L. P., 1st March, and W. P., 18th June, 1841, ... 140

Forms of commission for the examination of absent witness, under Act VII. 1841. L. P., 11th, and W. P., 24th February, 1842, ... 185

Instructions regarding commissions to the court of requests for examination of absent witnesses in Calcutta, under Act VII. 1841. L. P., 8th July, W. P., 6th August, 1842, ... 214

Modification of the Circular Order, No. 140, regarding execution of writs in Calcutta, under Act XXIII. 1840. L. P., 15th July, W. P., 22d August, 1842, ... 218

PROVINCIAL PUNDITS.

Notifying the appointment of provincial pundits, as expounders of the Hindoo law to such zillah courts as may be embraced within their jurisdiction. W. P., 30th October, 1840, ... 113

Communicating instructions regarding the appointment of provincial pundits in the Lower Provinces. L. P., 11th December, 1840, 121

PUBLICATION OF SALE ADVERTISEMENTS.

Caution against delay in the publication of advertisements for the sale of estates on account of arrears of revenue. L. P., 10th August, and W. P., 7th September, 1838, ... 11

Enjoins despatch in issue of sale notices to lower courts, under Section 8, Act XII. 1841, &c. L. and W. P., 2nd December, 1842, 234

PUBLIC PROPERTY.

Public functionaries bound to receive charge of public property when the officer in custody of it is prevented by any circumstances from retaining charge. L. and W. P., 23d November, 1838, ... 26

PUBLIC SERVICE.

See Funds, No. 159.

RECORDS.

Copies of proceedings in cases appealed to the Sudder Dewanny Adawlut, to be despatched within two months from receipt of Court's orders. Resolution of the Court for expediting the disposal of appeals, to be made known to parties. L. P., 16th April, 1841, ... 150

The plan on which the records are arranged in zillah Cuttack, recommended for general adoption. L. P., 18th June, 1841. 154

Attention of civil authorities, called to Circular Order, 29th July 1836, regarding the mode of forwarding original exhibits, &c., in appealed suits. L. and W. P., 8th October, 1841. ... 168

Cautionary order on the subject of providing secure place of deposit for records of pending

Nos.

cases in subordinate civil courts. W. P., 14th January, L. P., 18th February, 1842, ... 181

Communicates rules regarding responsibility of heads of offices in the matter of the arrangement of records. L. and W. P., 4th November, 1842, ... 232

REGISTERS.

Instruction in respect to the entry, in the registers, of cases above 5000 rupees in amount, retained by the principal sudder ameens under paragraph 13 of Circular No. 49, 20th September 1839. L. and W. P., 20th December, 1839, ... 63

See Periodical Reports and Statements, No. 14, 31, 164.

REGISTRY.

Intimating that security bonds for the eventual payment of costs of suits may be registered under the provisions of Regulation XX. 1812. L. and W. P., 16th April, 1840,..... 77

REGULATIONS.

Correcting an error in the Persian translation of a portion of Article 7, Schedule B, Regulation X. 1829, regarding stamps. L. and W. P., 10th July, 1840, ... 92

Forwarding copies of an erratum to the Persian version of Regulation X. 1829. L. P., 11th December, 1840, and W. P., 4th January, 1841, ... 122

Error in Bengallee version of Article 41, Schedule A., Regulation X. 1829, rectified. L. P., 19th February, 1841, ... 136

Erratum to Persian version of Regulation II. 1807. L. P., 9th September, W. P., 7th Oct. 1842, ... 224

Error in the Persian and Bengalee versions of Regulation X. 1829, amended. L. P., 9th December, 1842, W. P., 14th February, 1843, 235

REVENUE DEFAULTERS.

See Civil Courts, No. 62.

REVIEW OF JUDGMENT.

Communicating orders in regard to reviewing the decisions of a judge who has obtained leave of absence exceeding six months, and who is likely to remain absent in excess of that period. L. and W. P., 7th June, 1839, 38

Nos.

SALES.

See Constructions, No. 5.

See Publication of Sale Advertisements, No. 11.

A decree-holder purchasing property brought to sale in satisfaction of his decree, may file his receipt for the amount of his claim in lieu of an equivalent amount of purchase money; provided the claims of other parties, and the demands of Government for revenue, are not compromised. L. and W. P., 18th January, 1839, ... 30

See Execution of Decrees, No. 83.

Rule regarding the mode of conducting sales in satisfaction of decrees when the property to be sold has on it the prior lien of a mortgage. L. and W. P., 8th September, 1840, ... 106

In allusion to a practice of deductions being made by collectors, on account of revenue, from proceeds of sales made in satisfaction of decrees, under circumstances not authorized by the law, judges apprised that such practice has been prohibited by the Sudder Board's Circular, and enjoined to bring every instance of its occurrence in future to the notice of the Court. W. P., 23rd July, 1841, ... 156

Communicating a Circular of the Sudder Board of Revenue, which prohibits the deduction of revenue arrears from proceeds of sales made in execution of decrees. L. P., 15th October, 1841, ... 169

Observance enjoined of provisions of Cl. 2, Sec. 3, Regulation VII. 1825 in the conduct of judicial sales. L. and W. P., 15th March, 1842, ... 191

Notice of civil courts called to instructional rules issued by Board of Revenue, N. W. Provinces, to collectors for their procedure on receipt of requisitions for sale of lands. W. P., 20th April, 1842, ... 194

SEALS.

Intimating the despatch of seals for the principal sudder ameens and sudder ameens, in the North Western Provinces. W. P., 20th November, 1840, ... 120

Forwarding seals for the courts of the principal sudder ameens and sudder ameens in the Lower Provinces, L. P., 18th December, 1840, ... 126

SECURITIES.

Instructions in regard to fixing the time within

Nos.

which appellants must file security for costs. L. and W. P., 12th July, 1839, ... 43

See Registry, No. 77.

SECURITY IN APPEAL TO THE QUEEN IN COUNCIL.

See Appeals to the Queen in Council, No. 189.

SPECIAL AGENTS.

See Vakeels, &c. No. 41r

SPECIAL APPEALS.

See Appeals, No. 130.

STAMPS.

Calling attention to the printed Construction, No. 325, which prohibits the admission as evidence of unstampt obligations written in merchants' and bankers' books. L. P., 11th May, and W. P., 8th June 1838,..... 7

Pointing out the consistency of the Circular No. 7, and Construction No. 325, with Construction No. 592. W. P., 3d, and L. P., 31st August, 1838, ... 17

Directing that in future the stamps used in petitions of appeal which are remanded for further investigation, be forwarded to the collector for verification. L. and W. P., 10th May, 1839, ... 34

See Native Judges, No. 37.

Transmitting for information copies of correspondence regarding discontinuance of the practice of forwarding to the stamp office for examination, petitions of plaint filed in suits adjusted by razeenameh. L. and W. P., 2nd August, 1839, ... 44

Transmitting two forms of certificates in English and Hindoostanee applicable to occasions of refund of stamp duty. L. P., 6th December, 1839, and W. P., 16th January, 1840,... 60

See Civil Courts, Nos. 64, 179.

Providing for the protection of the interests of Government in respect to stamp duty in pauper suits before the moonsiffs. L. P., 12th June, and W. P., 24th April, 1840, ... 87

Rule regarding the value of stampt paper to be used for engrossing petitions of plaint, or appeal, or petitions from parties desirous of appealing *in forma pauperis*. L. and W. P., 28th August, 1840, ... 99

See Moonsiffs, No. 160.

Nos.

Rules for guidance of local courts, in cases where the plaint is written on inadequate stamps or valuation of contested property is objected to. L. P., 20th August, and W. P., 3d September, 1841, ... 161

Construction, No. 1068, superseded. The Company's rupee to be taken as the standard in questions relating to value of stamps, &c. W. P., 11th, and L. P., 15th April, 1842, ... 193

Intimation given of value of stamp required for petitions under Article 7, Schedule B. Regulation X. 1829. L. and W. P., 27th April, 1842, ... 196

STATIONERY.

English stationery not to be charged for in contingent bills but to be obtained by indent from the Government stores. L. P., 16th October, 1840, and W. P., 4th January, 1841,..... 111

Observations of the Military Board communicated, as to the best means of introducing reform and economy in the expenditure of stationery, and various points conducive to that end noticed by the Court. W. P., 7th May, 1841,..... 152

TREASURIES.

The charge of treasuries to devolve, in all practicable cases, on covenanted rather than on uncovenanted officers. L. P., 26th February, 1841, ... 138

TRAVELLING.

Transmitting copy of a letter from the Judicial Secretary to the Government, on the subject of travelling allowances to the amlah of officers in the mofussil, when on duty in the interior of their districts. L. P., 20th September, 1839, ... 50

See Native Judges, No. 84.

TULUBANA.

Rules regarding the payment of tulubana in the courts of the moonsiffs. L. P., 28th August, and W. P., 18th September, 1840,..... 98

With reference to the adjustment of the rates of payment, for service of processes, tables of distances of villages, &c. to be framed and suspended in the moonsiffs' cutcherries. W. P., 28th January, 1842,..... 182

Rate of tulubana for serving processes and number of days allowed for the service of the dif-

Nos.

ferent descriptions of processes. Table of distances of villages, &c. to be framed and suspended in the moonsiffs' cutcherries. L. P., 11th March, 1842, ... 190

UNCOVENANTED SERVANTS.

Communicating the opinion of the Honorable the Court of Directors on the subject of natives employed in, and trained to the duties of one department of the public service, being transferred to another. L. P., 16th October, and W. P., 5th November, 1840, ... 11

Applications from uncovenanted servants for leave of absence. L. P., 7th June, 1839, ... 36

See Travelling Allowances, No. 50.

Circulating an extract from a despatch from the Honorable the Court of Directors, relative to the imposition of heavy fines upon native servants of Government drawing small allowances. L. P., 7th, and W. P., 28th August, 1840, ... 95

Representations addressed to the Government by the uncovenanted judges or other officers, relating to their services, to be forwarded by themselves through the public post. L. P., 30th October, 1840, ... 114

See Treasuries, No. 138.

VAKEELS AND SPECIAL AGENTS.

Remuneration granted to a special agent not recoverable, by a successful suitor, from the losing party. L. and W. P., 28th June, 1839, 41

Nos.

Transmitting extract of a letter from Government, authorizing the extension of the provisions of Regulation XII. of 1833, to all the courts in the North Western Provinces, except those of the moonsiffs. W. P., 27th September, 1839, ... 51

See Government Pleader, No 104.

Communicating instructions for the better enforcement of the provisions of Clause 3, Section 18, Regulation V. 1831, and Regulation XII. 1833, and for the allotment and distribution of pleaders in the courts of the judge, principal sudder ameen and sudder ameen. L. P., 18th December, 1840, ... 124

Rule for dismissal of vakeels through whose neglect of their client's interests, suits may be dismissed on default according to Section 1, Act XXIX. 1841. W. P., 16th September, and L. P., 2d December, 1842, ... 226

Vakeels incompetent, save on authority specially conveyed, to receive sums paid into court in execution of decrees. L. and W. P., 28th September, 1842, ... 229

WITNESSES.

See Evidence, Nos. 74, 85, 125.

See Absent Witnesses, No. 185.

FINIS.